

FEDERAL REGISTER

THE NATIONAL ARCHIVES
 OF THE UNITED STATES
 1934
 VOLUME 21
 NUMBER 220

Washington, Saturday, November 10, 1956

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

PART 483—WHEAT AND FLOUR

SUBPART—FLOUR EXPORT PROGRAM, CASH PAYMENT (GR-346), TERMS AND CONDITIONS

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AUTHORITY: §§ 483.201 to 483.296 issued under sec. 5, 82 Stat. 1072; 15 U. S. C. 714c. Interpret or apply sec. 2, 63 Stat. 945, sec. 104, 64 Stat. 198, 67 Stat. 358, 70 Stat. 966; 7 U. S. C. 1641, 1642.

GENERAL

§ 483.201 *General statement.* In order to encourage the sale and exportation by commercial exporters of flour processed in the United States from wheat produced in the United States, and in order to exercise the rights, obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement, the Commodity Credit Corporation (referred to in this subpart as CCC) offers to make cash payments to exporters under the terms and conditions stated in this subpart. The program will be administered by the Commodity Stabilization Service, United States Department of Agriculture, and information pertaining to the program may be obtained from any of the CSS offices listed in § 483.280.

ELIGIBILITY FOR PAYMENT BY CCC

§ 483.205 *General conditions of eligibility.* (a) Payment under this program will be made to an exporter in connection with the net quantity of flour exported from the United States to a designated country and the net quantity of flour in customs bond in Canada exported in like manner from Canadian ports, excluding West Coast Canadian ports, pursuant to a sale to a foreign buyer for which the exporter receives a Notice of Registration from the Director, Grain Division, Commodity Stabilization Service (re-

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) (\$2.25)

Title 38 (\$2.00)

Titles 44-45 (\$1.00)

Title 50 (\$0.60)

Previously announced: Title 3, 1955 Supp. (\$2.00); Titles 4 and 5 (\$1.00); Title 6 (\$1.75); Title 7: Parts 1-209 (\$1.25), Parts 210-899 (Rev., 1955) with Supplement (\$4.50), Parts 900-959 (Rev., 1955) (\$6.00), Part 960 to end (Rev., 1955) with Supplement (\$5.85); Title 8 (\$0.50); Title 9 (\$0.70); Titles 10-13 (\$0.70); Title 14: Parts 1-399 (\$2.50), Part 400 to end (\$1.00); Title 15 (\$1.00); Title 16 (\$1.25); Title 17 (\$0.60); Title 18 (\$0.50); Title 19 (\$0.50); Title 20 (\$1.00); Title 21 (Rev., 1955) (\$5.50); Titles 22 and 23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.50); Title 26 (1954) Parts 1-220 (Rev., 1955) (\$2.00); Title 26: Parts 1-79 (\$0.35), Parts 80-169 (\$0.50), Parts 170-182 (\$0.30), Parts 183-299 (\$0.35), Part 300 to end, Ch. I, and Title 27 (\$1.00); Titles 28 and 29 (\$1.25); Titles 30 and 31 (\$1.25); Title 32: Parts 1-399 (\$0.60), Parts 400-699 (\$0.65), Parts 700-799 (\$0.35), Parts 800-1099 (\$0.40), Part 1100 to end (\$0.35); Title 32A (Rev., 1955) (\$1.25); Title 33 (\$1.50); Titles 35-37 (\$1.00); Title 39 (Rev., 1955) (\$4.25); Titles 40-42 (\$0.65); Title 43 (\$0.50); Title 46: Parts 1-145 (\$0.60), Part 146 to end (\$1.25); Titles 47 and 48 (\$2.25); Title 49: Parts 1-70 (\$0.60), Parts 71-90 (\$1.00), Parts 91-164 (\$0.50), Part 165 to end (\$0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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ferred to in this subpart as the Director), in accordance with § 483.236, subject to the Terms and Conditions set forth in this subpart. Payment also will be made to an exporter for flour exported prior to sale and for which the exporter has received a Notice of Registration from the Director, subject to the Terms and Conditions of this subpart particularly § 483.209.

(b) Sales to foreign buyers under the International Wheat Agreement, and outside the International Wheat Agreement, may be made pursuant to this program. Countries designated as IWA and non-IWA are defined in § 483.206. A sale under the IWA differs from a non-IWA sale only in that the former is recorded under the International Wheat Agreement against quotas of the buying country and of the United States, normally pursuant to request of the buyer and is subject to open quota balances and other requirements as set forth in this subpart. Final determination of recordability under the Wheat Agreement is under the jurisdiction of the Wheat Council, (See § 483.221), but an exporter's rights under this subpart are not altered by any action of the Wheat Council.

(c) Payments under this subpart will be made only with respect to exports of flour where the time of foreign sale is on and after November 15, 1956, except that where the time of foreign flour sale is prior to November 15, 1956, such sale may be registered as provided herein not later than November 21, 1956 and the export shipment of flour pursuant to such sales will be eligible for cash export payment at the export payment rate in effect from 12:01 a. m., e. s. t., to 3:30 p. m., e. s. t., November 15, 1956: *Provided*, Such sales have not been otherwise registered for cash payment and government export assistance with re-

spect to such sales has not been obtained through purchase of CCC wheat at reduced prices.

(d) A sale which involves flour derived in whole or in part from wheat produced outside the United States, or flour milled outside the U. S. is not eligible for registration under the program. However, in the event the Director determines that ineligible flour is exported unintentionally, payment may be made but only on that portion which it is established to his satisfaction was milled in the United States from wheat produced in the United States.

(e) Flour exported which is derived from wheat obtained under any program wherein the CCC sales price reflects an export allowance or from wheat which is sold by CCC under conditions specifically excluding the flour milled from such wheat from exportation under this program, shall not be eligible for payment under this subpart.

§ 483.206 *Designated countries.* (a) With respect to sales made for recording under the International Wheat Agreement, a designated country shall be any country or territory which has been designated in a rate announcement (See § 483.230) as having a quota open for IWA sales.

(b) With respect to sales not specifically made for recording under the International Wheat Agreement, a designated country shall be a destination outside the continental limits of the United States, excluding Alaska, Hawaii or Puerto Rico, and also excluding

(1) Any country or area listed as Sub-Group A of Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U. S. Department of Commerce, unless a license for such shipment or transshipment thereto has been obtained from such Bureau;¹

(2) Macao unless specific license for such shipment or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce;¹ and

(3) Hong Kong in the case of any commodity for which a specific license is required by regulations of the U. S. Department of Commerce under the Export Control Act of 1949, unless such specific license for such shipment or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce.¹

(c) Exports of flour under this program shall be made only to the country and buyer named in the Declaration of Sale and the exporter shall not ship, tranship or cause the flour to be transhipped to any other country, unless the exporter obtains prior written authority from the Director to ship, tranship, or cause the flour to be transhipped, to a different designated country or to a different buyer located in a designated country.

§ 483.207 *Date of exportation.* (a) Flour sold for export in a specified export

¹ Attention of the exporter is invited to the "Notice to Exporters" which appears as an appendix to these terms and conditions relative to Department of Commerce regulations.

rate period announced by CCC, must be exported before the end of that period in order for the exporter to obtain the export payment rate applicable to that period, unless an extension is obtained in writing from the Director changing the export date to a later period. In the event that export takes place after the specified rate period and the exporter has not obtained an extension to change the export date to a later period, the export payment rate will be that which was in effect at time of sale, or time of giving Notice of Sale, whichever is lower, for the period in which actual export takes place. It will be the policy to grant an extension if it can be shown that exportation under the contract has been delayed by circumstances beyond the exporter's or importer's control and is not due to intentional violation of the contract.

(b) With respect to sales under the International Wheat Agreement, flour sold for recording against quotas of any IWA crop year must be exported not later than 14 days after such crop year unless later exportation is authorized in specific cases by prior written approval of the Director.

§ 483.208 *Excess quantities loaded.* Payment will not be made on quantities loaded on vessels or exported by rail or truck which exceed by more than 1 percent the quantity shown on the Declaration of Sale, unless written approval is obtained from the Director, in which case a new Declaration of Sale and a new Notice of Registration for the additional quantity are required.

§ 483.209 *Flour exported prior to sale.* (a) In connection with any quantity of flour exported prior to sale, payments will be made only on that portion thereof which has been reported in accordance with paragraph (b) of this section and only on sales made by the actual exporter of such flour, and not to any other party who buys such flour and re-sells it to a designated country.

(b) In order to receive export payment on flour exported prior to sale the exporter must have reported the exportation of such flour to the Director within seven days after the date of such exportation as defined in § 483.288, unless additional time for reporting is granted in writing by the Director. This report must include the following information:

- (1) Date of exportation.
- (2) Port of exportation.
- (3) Country and port of original destination of flour.
- (4) Name of ocean vessel upon which loaded.
- (5) Quantity in hundredweight.

(6) The report shall also contain a statement that the vessel contains other flour sold by the exporter filing the report, as provided in paragraph (c) of this section.

(c) Only flour which is loaded on a vessel which also carries flour sold by the same exporter shall be reported under paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall

not exceed 2,000 metric tons. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of flour exported.

(d) At such time as the flour is sold, the exporter shall report the sale to the Director as provided in § 483.235, and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the flour sold was reported to the Director, as provided in paragraph (b) of this section. This may be done by the use of the code word "Abroad".

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale, whichever is the lower, for the export rate period current at that time which applies (1) to the port from which the flour was exported, and (2) to the country shown in the Declaration of Sale.

(f) All other conditions of this subpart, except as modified by this section, are applicable to sales described in this section.

§ 483.210 *Reentry or diversion.* If any quantity of flour shipped under this subpart is unloaded in the United States or Canada prior to being imported into some country other than the United States or Canada, or is diverted to another country while enroute, payment may be withheld, or if payment already has been made, the exporter may be required to make refund as deemed appropriate by the Vice President, CCC: *Provided*, That if such flour is lost, destroyed or damaged, the amount of the payment withheld or refund required shall not exceed the amount realized or which might reasonably be realized by the exporter over the price at which it was sold to the designated country. The exporter shall notify the Director immediately upon becoming cognizant of any unloading or diversion of flour with respect to which payment may be withheld or refund required under this section and furnish information as to the condition of such flour and any claim he may have in connection with any damage or loss thereto or destruction thereof.

PROVISIONS APPLICABLE EXCLUSIVELY TO IWA SALES

§ 483.220 *Program period; IWA.* With respect to sales under the International Wheat Agreement, notwithstanding any other provisions of this subpart, sales transactions for recording against quotas of any IWA crop year must be entered into not later than July 31, of such crop year.

§ 483.221 *Recording in the Wheat Council's records.* The International Wheat Agreement provides that a transaction or part of a transaction in flour between participating exporting and importing countries is eligible for entry in the Wheat Council's records against guaranteed quantities of those countries for a crop year, *Provided*,

(a) The exporting and importing countries have not agreed that it shall not be entered against their guaranteed quantities, and

(b) Both the importing and exporting countries concerned have unfilled quantities for the crop year, and the loading

period specified in the transaction falls within that crop year, and

(c) The commercial contract or governmental agreement on the sale and purchase of flour contains a statement, or the exporting country and the importing country concerned inform the Wheat Council that the price of such flour is consistent with the maximum and minimum price under the International Wheat Agreement in effect during the crop year in which the loading period specified in the transaction falls.

§ 483.222 *Status of IWA quotas.* There will be issued not less often than weekly, a statement as to the status of quotas of importing and exporting countries. Any exporter upon request, addressed to the office indicated in § 483.278 will be furnished with all information that is available as to the status of the fulfillment of quotas under the Wheat Agreement.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

§ 483.230 *Announcement of rates.* Export payment rates will be announced from Washington, D. C., daily or at intervals of up to 7 days. Rates will be released at approximately 3:31 p. m., e. s. t., (see § 483.294), and will remain in effect through 3:30 p. m., e. s. t., on the expiration date stated in the announcement at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective at 3:31 p. m., e. s. t., on Friday will be in effect through 3:30 p. m., e. s. t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcements will be available through a press release, ticker service, and through Commodity Stabilization Service Offices at Portland (Oregon), Minneapolis, Kansas City (Missouri), Dallas, Chicago, and New Orleans. Different rates of payment for separate coasts or ports, destinations, periods of exportation, etc., may be announced simultaneously.

§ 483.231 *Determination of rates.* The rate in effect at the time of sale to the foreign buyer in the country of destination, or the time of giving Notice of Sale as required by § 483.235 (a), whichever rate is the lower, shall be the rate applicable to the sale except as provided in § 483.205 (c). The supporting evidence of sale submitted by the exporter in form prescribed in § 483.237 (d), will be the basis for determining the time of sale. The factors which may be determinative of the time of sale, are:

(a) Time of the exporter's filing a cablegram or mailing of a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation of the booking of

a shipment or shipments to be made pursuant to an open offer of the exporter to sell or a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter is empowered by the terms of the open offer or standing order to firm the contract by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) Sales may be made through a third principal party but for the purpose of this subpart the third principal party will be considered as an agent or intermediary and the sale as being between the exporter and the ultimate foreign buyer in the country of destination. The time of sale shall be determined by reference to the factors listed elsewhere in this section. The evidence of sale required by § 483.237 (d) shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party.

(e) A sale shall not be considered as entered into until the purchase price had been established, and time of sale shall be the earliest date on which a firm contract exists between buyer and seller and on which a firm dollar and cent price has been established, as provided in paragraphs (a), (b) and (c) of this section. In order to receive payment at the announced rate in effect at the time of sale, it is important that the exporter give timely Notice of Sale as required by § 483.235 (a), and present documentary evidence that the sale was made at such time.

(f) If export is wholly by truck or rail and the time of sale cannot be determined on the basis of the factors set forth in paragraph (a), (b) or (c) of this section, or by any other means, the sale will be deemed to have been made at the time of issuance of inland bill of lading, or if none is issued, at the time of clearance through United States Customs. If export is by ocean carrier and time of sale cannot be determined as outlined above, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the flour is loaded on board ocean carrier.

(g) If the time of day at which the sale was consummated is not established and two payment rates are in effect on the day the sale was consummated, the time of sale will be deemed to be at the time the lower of the two rates was in effect.

§ 483.232 *Conversion factors.* The following conversion factors shall be applied to the announced rate to determine the rate applicable to a particular type of flour:

	Factor
Wheat flour (including clears), derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction operation....	1.000
Semolina and farina.....	1.000

Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing an 80 percent extraction operation	0.919
Whole wheat flour	.717

REGISTRATION OF SALES

§ 483.235 Notice of Sale—(a) Time.

(1) The exporter shall file a Notice of Sale as soon as possible after the date of the sale (See § 483.278). (In the case of IWA sales, in order to comply with the terms of the International Wheat Agreement, the report of transactions must reach the Wheat Council in London not later than 10 days after date of sale.)

(2) Notices of Sale should normally be filed by telegraph, although telephone may be used. Telephoned notices should be confirmed immediately by telegraph.

(3) In order for the exporter to be assured of the current rate of payment, the telegram reporting the sale must be filed or the telephone call made by 3:30 p. m., e. s. t., on the expiration date for such rate as shown in the rate announcement.

(b) Information required. In giving Notice of Sale the exporter must report the following information:

(1) Date of sale.
(2) Whether the sale is IWA or non-IWA.

(3) Contract quantity is net hundredweight. The sales price need not be shown, however, in the case of IWA transactions the notice must contain a certification that buyer and exporter agree that the price of the flour is consistent with the prices specified in the International Wheat Agreement. This may be reported by the code word "Akord".

(4) Country of destination.
(5) Name of purchaser. (Where the sale involves more than one purchaser the Notice of Sale shall contain the name of one purchaser and the word "others".)

(6) The number of the import license, buying permit, or similar authorization applicable to the sale, for those countries where such is required for IWA transactions, unless otherwise authorized by the Director. (Where the sale involves more than one purchaser, the Notice of Sale shall contain one license number and the word "others".)

(7) Delivery period specified in contract.

(8) The word "Abroad" for flour exported prior to sale (see § 483.209 (d)).

(9) Such additional information in individual cases as may be requested by the Director.

§ 483.236 Notice of Registration.

(a) Upon receipt of the Notice of Sale, the Director will issue a Notice of Registration by telegram unless he determines that to do so would not be in the best interests of the program. A Notice of Registration is a condition precedent to the exporter receiving payment under this subpart. Accordingly, before concluding a transaction it may be to the exporter's advantage in instances involving sales of an unusual nature to ascertain from the office indicated in § 483.278, whether the sale may be registered, or to

condition his sales upon his receiving a Notice of Registration under this subpart.

(b) In the telegram of registration, the Director may utilize the code letters "CEP" to indicate "Confirmed as Eligible for Payment".

(c) Each Notice of Registration will include a registration number which shall be shown on the Declaration of Sale (See § 483.237), the Notice of Export (See § 483.238), Voucher Form CSS-21 (See § 483.246) and in all correspondence with reference to the transaction.

§ 483.237 Declaration of Sale and evidence of sale—(a) Time of submission and required copies. (1) The exporter shall prepare a Declaration of Sale (CCC Form No. 362), and mail or deliver it normally within two days after receipt of Notice of Registration. (See § 483.278).

(2) The Declaration of Sale must be submitted in an original and three copies all of which shall be signed in an original signature by the exporter or his authorized representative. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) Only one Declaration of Sale should be submitted by the exporter for each sale identified by a Registration Number assigned in the Notice of Registration (See § 483.236 (c)), although this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to Registration Numbers on the respective declarations.

(b) Information required. The information to be entered on the Declaration of Sale, is as follows:

(1) The registration number.
(2) Whether sale is IWA or non-IWA.
(3) Date and time of sale and of filing Notice of Sale.

(4) Name of purchaser, or purchasers.

(5) The number of each import license, buying permit, or similar authorization applicable to the sale for those countries where such are required. All applicable numbers shall be entered, following respective buyers' names, even though such numbers were reported in the Notice of Sale.

(6) Contract quantity in net hundredweight.

(7) Country of destination.

(8) Delivery period specified in the contract.

(9) Type and extraction of flour, the class of wheat from which the flour was milled and the approximate ash content must be shown. For example: "Hard Spring 48 Ash". For blended flours, the most predominant class of wheat contained in the blend should be shown. For example: "blended (predominantly) Hard Winter 70 Ash".

(10) Export payment rate per hundredweight of flour in effect as determined by § 483.231.

(11) Coastal area from which it is anticipated exportation will be made.

(12) Where the exporter intends to ship, transship, or cause flour to be transshipped to one or more of the countries or areas identified in § 483.206 (b) (1) (2) and (3) the license issued by the Bureau of Foreign Commerce, U. S. De-

partment of Commerce, for such movement shall be identified. With respect to any such movement to Hong Kong not requiring a specified license, the exporter shall state that a specific license is not required.

(13) Such additional information in individual cases as may be requested by the Director.

(c) Name in which filed. The Declaration of Sale must be filed in the name of the exporter who sold the flour to a foreign buyer. If a sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all related documents, such as:

American Milling Company
(Trade Name)
U. S. Milling Company
(a) John Smith, Secretary

(d) Evidence of sale. Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving a third principal party (See § 483.231 (d)), the evidence shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party. In the case of an IWA sale, the exporter must also furnish a signed statement or other acceptable evidence, such as an exchange of cables, to the effect that buyer and exporter agree that the price of the flour is consistent with prices specified in the International Wheat Agreement.

§ 483.238 Notice of export—(a) Time of submission and required copies. Only one Notice of Export, CCC Form 363 is required in connection with any one Declaration of Sale. Such Notice of Export must be mailed or delivered by the exporter normally within three days after date of export of the last shipment against the quantity shown as sold on the applicable Declaration of Sale, unless such time of filing is extended by the Director.

(b) Information required. The Notice of Export shall contain the following information:

(1) Registration number.
(2) Date of export of final shipment.
(3) Country of destination.
(4) Total quantity in net hundred weight actually loaded on all shipments made in connection with applicable Declaration of Sale.
(5) The U. S. Coastal area or areas from which the flour was exported. If more than one coastal area is involved, the quantity exported from each should be shown.

OBLIGATION AND DEFAULT

§ 483.240 Exporter's agreement with CCC. The Notice of Sale by the exporter and the Notice of Registration by the Director shall constitute an agreement by the exporter to export the quantity of flour within the prescribed period

stated in the Notice of Sale in consideration of the undertaking of CCC to make an export payment, subject to the Terms and Conditions of this subpart.

§ 483.241 *Cancellation of sale or failure to export.* (a) The exporter shall notify the Director promptly in every case where, after giving Notice of Sale as required in § 483.235, a sale is cancelled by the exporter or by the importer, and he must state the reason for such cancellation. The exporter also shall notify the Director promptly when, for any reason, it becomes apparent to him that he will not be able to fulfill his obligation under § 483.240 by making shipment within the prescribed period.

(b) If the Vice President, after affording an exporter opportunity to present evidence, determines that such exporter has cancelled a sale or failed to export or for other reasons within his control or not attributable to the fault or negligence of the foreign buyer has failed to discharge fully any obligation assumed by him under this subpart, such exporter may be denied the right to continue participating in this program for such period as the Vice President may determine or until the exporter has complied with such terms as the Vice President may prescribe.

APPLICATION FOR PAYMENT

§ 483.245 *Public Voucher Form CSS-21.* An original and two (2) copies of Form CSS-21 must be prepared and submitted together with the evidence of exportation set forth in § 483.247. Supplies of Form CSS-21 and detailed instructions regarding the preparation and submission of Form CSS-21 and supporting documents may be obtained from the CSS Commodity Offices listed in § 483.280 or from the Office indicated in § 483.278.

§ 483.246 *Documents required to evidence exportation by exporters.* (a) Each voucher must be supported by (1) one copy of the applicable on-board ocean carrier bill of lading signed by an agent of the ocean carrier which shows that the flour is destined for the buyer identified with the Declaration of Sale and supporting evidence, unless otherwise approved by the Director and (2) a statement by the exporter, certified as being a true and correct statement, that the flour for which export payment is claimed is the same flour as described in the Declaration of Sale and covered by the bill of lading. Where loss, destruction or damage occurs subsequent to loading on-board ocean carrier but prior to issuance of on-board bill of lading, one copy of a Loading Tally Sheet or similar document may be submitted in lieu of such bill of lading. If exported wholly by rail or truck, one copy of the Shipper's Export Declaration authenticated by the appropriate United States Customs official which identifies the shipment(s) and shows date of clearance into the foreign country. If the final destination of the shipment is a designated country not shown on the ocean bill of lading, the exporter also shall furnish an authenticated copy of Shipper's Export Declaration showing country of final destination. Where shipment is exported from a Canadian

port, the voucher also must be supported by a signed or certified true copy of the bill of lading or other document covering the movement of the flour from the United States to Canada.

(b) If the shipper or consignor named in the on-board ocean bill(s) of lading or the Shipper's Export Declaration(s), covering flour exported is other than the exporter named in the Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the on-board ocean bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Declaration of Sale, nor the consignee identified with the Declaration of Sale, the exporter must submit, in addition to the waiver a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as buyer and seller of the flour shown on the documents submitted to evidence exportation.

(c) In the event of export prior to sale such additional documents as required by § 483.209 (f) must also accompany the voucher.

§ 483.247 *Submission of voucher for payment.* Vouchers and required supporting documents shall be submitted to the office listed in § 483.280 which serves the State in which the exporter's invoicing office is located.

MISCELLANEOUS PROVISIONS

§ 483.275 *Good faith.* If the Vice President after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart such exporter may be denied the right to continue participation in this program or the right to receive payment under this subpart in connection with any sales previously made under this program, or both. Any such action shall not affect any other right of the Department of Agriculture or the Government by way of the premises.

§ 483.276 *Assignments.* No exporter shall, without the written consent of the director, assign any right to an export payment under this subpart. The exporter may, however, name a joint payee on Voucher Form CSS-21.

§ 483.277 *Records and accounts.* Each exporter shall maintain accurate records showing sales and deliveries of flour exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 483.278 *Submission of reports.* The Notice of Sale, Declaration of Sale, Notice of Export, and related reports required under this subpart to be submitted to the Director should be addressed as follows:

Chief, Commercial Export Branch, Grain Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C.

Delivery to the above office of telegraphic Notices of Sale will be expedited if addressed as follows:

Com Ex Branch, USDA (MK), Washington, D. C.

The telephone number of this office is REpublic 7-4142, Extensions 3261, 3262, 3927 and 3928.

§ 483.279 *Additional reports.* The exporter shall file such additional reports as may be required from time to time by the Director, subject to the approval of the Bureau of the Budget.

§ 483.280. The CSS Commodity Offices from which information concerning this program is obtainable and the states served by each, and to which vouchers should be submitted as indicated in § 483.247 are as follows:

OFFICE

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 623 South Wabash Avenue, Chicago 5, Ill.; Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 500 South Erway Street, Dallas 1, Tex.; Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 560 Westport Road, Kansas City 11, Mo.; Colorado, Kansas, Missouri, Nebraska, Wyoming.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 1006 West Lake Street, Minneapolis 8, Minn.; Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oreg.; Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

§ 483.281 *Officials not to benefit.* No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise from any provisions of this program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 483.282 *Amendment and termination.* This offer may be amended or terminated at any time by public announcement of such amendment or termination. Any such amendment or termination shall not be applicable to sales for export (which otherwise comply with the terms of this offer) made before the effective time and date of such amendment or termination.

§ 483.283 *Right to waive any requirement.* The Executive Vice President of CCC, if he deems such action desirable in order to prevent undue hardship, may with respect to any transaction or transactions hereunder waive any requirement of this subpart, if such action is in the best interest of the program. Any such waiver shall be in writing and shall

contain a full statement of the reasons therefor.

DEFINITIONS

§ 483.285 *Vice President*. "Vice President" means the Executive Vice President of the Commodity Credit Corporation.

§ 483.286 *Director*. "Director" means the Director of the Grain Division, Commodity Stabilization Service, Washington, D. C.

§ 483.287 *Flour*. "Flour" means wheat flour processed in the United States from wheat as defined in the Official Grain Standards of the United States and grown in the United States, including semolina and farina, but shall not include wheat products produced during a continuing process of manufacturing processed wheat products other than flour or flour mixes which are composed principally of wheat flour. The quantity of flour exported which is eligible for export payment shall be determined by deducting from the net weight of the shipment, the weight of any enrichment, or other additive, (including Creta Praeperata), in excess of one-half of one percent of the combined net weight of the flour and additive.

§ 483.288 *Export*. "Export" means a shipment from the continental United States to a designated country as specified in § 483.206. Flour shall be deemed to have been exported on the date which appears on the applicable on-board ocean carrier bill of lading, or, if shipment to the designated country is by truck or rail, the date the shipment clears United States Customs, or the latest date appearing on the Loading Tally sheet or similar documents where loss, destruction or damage occurs subsequent to loading aboard ocean carrier but prior to issuance of on board bill of lading.

§ 483.289 *Exporter*. "Exporter" means any individual, corporation, partnership, association or other business entity, which is located and maintains a business organization within the continental United States, and which is a contracting party in the foreign sale reported under § 483.235.

§ 483.290 *Ocean carrier*. "Ocean carrier" means the vessel on which shipment from the United States or Canada, other than shipments between such countries, is exported pursuant to a sale registered under this program.

§ 483.291 *United States*. "United States" means the continental United States except as used in § 483.210, "Re-entry or Diversion", the term "United States", includes Territories of Alaska, Hawaii and Puerto Rico.

§ 483.292 *International Wheat Agreement*. "International Wheat Agreement", or IWA, means the 1956 International Wheat Agreement, ratified by the United States on July 16, 1956.

§ 483.293 *Wheat Council*. "Wheat Council" means the International Wheat Council established by Article XIII of the Wheat Agreement.

§ 483.294 *3:31 e. s. t.* "3:31 e. s. t.", as used in this subpart means 3:31 eastern standard time, except that when

Washington, D. C. is on daylight savings time 3:31 e. s. t. means 3:31 eastern daylight saving time (2:31 eastern standard time.).

§ 483.295 *Day*. "Day" means calendar day.

§ 483.296 *IWA crop year or crop year*. "IWA Crop Year or Crop Year" means the year beginning August 1, and ending July 31.

Effective time and date. This offer is effective 12:01 a. m., e. s. t., November 15, 1956.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of November 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

APPENDIX—NOTICE TO EXPORTERS

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to Macao, Hong Kong, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, except under license issued by the U. S. Department of Commerce, Bureau of Foreign Commerce. Those regulations further require that persons exporting, in the form acquired or in a processed form, under general license to friendly countries, commodities which are obtained directly or indirectly from the Commodity Credit Corporation (CCC) or commodities which are in substitution for commodities so obtained from CCC or commodities which are subsidized for export by CCC either through cash payment or payments in kind file with the Collector of Customs (in addition to any copies required for other purposes) one copy of the Shipper's Export Declaration for forwarding to BFC and send to BFC, Washington 25, D. C., one copy of the On-Board Ocean Bill of Lading (for exportations by rail, one copy of the Railroad Bill of Lading), for each shipment, regardless of value, involving sales of cotton textiles, other than cotton waste, of \$10,000 or more and involving sales of all other commodities, including cotton waste, of \$100,000 or more; Provided, that copies of the Shipper's Export Declaration and the Bill of Lading for BFC are not required to be submitted covering any shipments to Group O countries of cotton textiles other than cotton waste.

In the case of commodities purchased from CCC, or commodities being exported as "substitute" for such commodities, the \$100,000 figure applies to the sales contract between the CCC and the U. S. purchaser. For commodities being exported under CCC export subsidy programs, the \$10,000 figure for cotton textiles (other than cotton waste) and the \$100,000 figure for all other commodities (including cotton waste) apply to the sales contract between the U. S. seller and the foreign purchaser. Each of the documents for BFC must bear the notation "FC-2610" in the upper right-hand corner. The Bill of Lading for BFC must also bear the number of the corresponding Shipper's Export Declaration and the CCC identification number (CCC sales contract number or CCC subsidy registration number).

For all exportations of commodities covered by the program announcement, instru-

ment or document which this Notice accompanies, the following statement is required to be placed on all copies of the Shipper's Export Declaration, all copies of the Bill of Lading and all copies of the commercial invoice to the foreign purchaser:

"U. S. law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Communist-controlled areas of Vietnam and Laos, Macao, or Hong Kong, except as authorized by the U. S."

The U. S. Commerce Department export control regulations also require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves \$10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U. S. Commerce Department prohibitions (Comprehensive Export Schedule, Sections 371.4 and 371.8) against sale or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to Macao, Hong Kong, the Soviet Bloc, a Communist-controlled area in the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, and (2) the sanction of denial of future U. S. export privileges that may be imposed against any foreign purchaser for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency.

Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for (1) obtaining the signed acknowledgment from the foreign purchaser, and (2) for submitting the additional copy of the Shipper's Export Declaration and the Bill of Lading.

[F. R. Doc. 56-9300; Filed, Nov. 9, 1956; 8:52 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-157; Order 191]

PART 1—RULES OF PRACTICE AND PROCEDURE SERVICE

The Commission has under consideration in this proceeding the amendment of § 1.17 of Part 1 of its general rules and regulations (18 CFR, Chapter I, Subchapter A, Part 1) by amending paragraph (a) thereof.

The purpose of the proposed change is to reduce mailing costs through use of the Post Office Department's new "certified" mail in lieu of "registered" mail in transmitting orders, notices, etc., to parties required to be served with such documents. Both types of mailings provide return receipts and thus meet the Commission requirement of proof of service.

Prior to July 1, 1956, Federal agencies were not required to pay registry fees, but paid a fee of 7 cents for return receipts. Under Public Law 705, approved July 14, 1956, and recently revised postal regulations, current fees are 40 cents for

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 220]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing herein after are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VOR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The boundaries of the Chequamegon National Forest are hereby extended to include the following-described public lands in Wisconsin, and, subject to valid existing rights, the lands are hereby made a part of the said national forest and hereafter shall be subject to all laws and regulations applicable thereto:

Beginning at a point on the west shore of lot 2, sec. 12, T. 52 N., R. 5 W., from which a point on the south boundary of lot 1, sec. 12 is due north approximately 830 feet, and from which the present boathouse bears north 160 feet, thence

East 200 feet;

North 200 feet;

West 340 feet, approximately to shore line;

Southerly along shore line to point of beginning.

The tract described contains 0.902 acre.

The Executive order of July 21, 1871, which withdrew certain public lands in Wisconsin for lighthouse purposes is hereby revoked so far as it affects the lands.

FRED G. ANDRAHL,
Assistant Secretary of the Interior.

NOVEMBER 5, 1956.

[P. R. Doc. 56-9264; Filed, Nov. 9, 1956; 8:46 a. m.]

made effective upon the issuance of this order.

(Sec. 309, 49 Stat. 858, sec. 16, 52 Stat. 830;

16 U. S. C. 825h, 15 U. S. C. 717o)

Issued: November 6, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,

Secretary.

[F. R. Doc. 56-9287; Filed, Nov. 9, 1956;

8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders
[Public Land Order 1359]
[528423]

WISCONSIN

EXTENDING BOUNDARIES OF CHEQUAMEGON NATIONAL FOREST; PARTIALLY REVOKING EXECUTIVE ORDER OF JULY 21, 1871, WHICH WITHDREW LANDS FOR LIGHTHOUSE PURPOSES

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103; 16 U. S. C. 471), and the act of June 4, 1897 (30 Stat.

registered mail and 15 cents for certified mail, plus the 7 cent receipt fee for each service.

It appears that the proposed amendment of § 1.17 (c) represents a matter of procedure which does not require notice of hearing under section 4 (a) of the Administrative Procedure Act.

The Commission finds: The amendment as hereinafter adopted is necessary and appropriate to carry out the provisions of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to authority granted by sections 308 and 309 of the Federal Power Act (49 Stat. 858, 16 U. S. C. 825g, 825h) and sections 15 and 16 of the Natural Gas Act (52 Stat. 829, 830, 15 U. S. C. 717n, 717o) orders:

(A) The last sentence of paragraph (a) of § 1.17 of the rules of practice and procedure is amended to read as follows:

§ 1.17 Service—(a) By the Commission. . . . The return post office receipt for said document or other paper when served by certified or registered mail, or the verified return by the person accomplishing service, setting forth the manner of said service, shall be proof of such service.

(B) The amendment to § 1.17 (a) herein prescribed be and it is hereby

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except distances which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (encompassing and inbound); altitudes; limiting distances	Minimum altitude over facility final approach course (ft.)	Course and distance, facility to airport	Condition	2 engines or less 65 knots or less	More than 2 engines; more than 65 knots	Ceiling and visibility minimums	If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
BEULAH, N. D. McIntosh County, 180' SMBRLE (Lakehurst NAS- NEL-LFR). Procedure No. 1. Amendment No. 6. Effective date: December 1, 1952. Superseded Amendment 6, dated November 20, 1953. Transition to the Asbury Park FM from the Ambrose In- tersection added.	Ambrose Intersection to Asbury Park FM (final).	242-14	1,100	*E side of NE course: 602' outbound. 262' inbound. 1,300' within 10 miles NE of Asbury Park FM.	1,100 (over Asbury Park FM)	255-4.4 (from Asbury Park FM)	T-dn C-dn A-dn	300-1 600-2 1,000-2			Within 2.6 miles after passing Asbury Park FM, turn left, climb to 1,500' on N.E. (outbound) course. *Procedure turn considered to the E to avoid traffic on red 4.

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, bearings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet. MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of approach course (outbound and inbound); altitudes limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less			
1	2	3	4	5	6	7	8	9	10	11	12
FINDLAY, OHIO. Findlay Airport, 807. VOR—FDY. Procedure No. 1. Amendment No. 1. Effective date: December 1, 1956. Supersedes Amendment Original, dated November 3, 1956. Major changes: Course and distance from facility to airport revised.	Findlay "H"	230—8.7	2,000	E side of course; 230° outbound, 040° inbound, 2,000' within 10 miles.	1,500	040—8.1	T—dn C—d C—n S—d 7 S—n 7 A—dn	300-1 300-1 300-2 300-1 300-2 300-2 300-2	300-1 300-1 300-2 300-1 300-2 300-2 300-2	200-1½ 300-1½ 300-2 300-1 300-2 300-2 300-2	Within 9.1 miles make a climbing left turn, return to Findlay VOR at 2,000'. Hold SW on radial 220° in a 1-minute right hand pattern. CAUTION: Radio tower 1,000' mean sea level 1.5 miles ESE of airport.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet. MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes limiting distances	Minimum altitudes at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway M—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—	
	From—	To—	Course and distance	Minimum altitude (ft.)			Outer marker	Middle marker	Coordination	2 engines or less			More than 2 engines (more than 65 knots)
										65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
KNOXVILLE, TENN. McChesney Field, 987. ILS—KTV. ILS—TV. Combination ILS and ADF. Procedure No. 1. Effective date: December 1, 1956. Supersedes Amendment 15, dated September 1, 1956. Major changes: Increases transition altitudes from Tallahassee FM, Tallahassee Intersection and Riser Intersection.	Knowville LFR	LOM	215—8.7	2,200	W side of SW course: 225° outbound, 040° inbound, 2,200' within 10 miles.	ILS 2,700 ADF 2,000 over LOM	2,630—A 4	1,150—0.6	T—dn C—d C—n	300-1 300-1 300-1 1/2	300-1 300-1 300-1 1/2	200-1 1/2 300-1 300-1 1/2	5.4 miles after passing LOM, turn left climb to 2,000' on N course TYS-LFR, or radial 347° of TYS-BVOR. When directed by ARTC, climb to 4,000' on course of 060° from LFR or radial 065° of BVOR within 20 miles. *400-1/2 required when glide slope not utilized.
	Tallahassee FM	LOM	333—12.2	3,700									
	SW course TYS LFR and 290° bearing from LOM.	LOM	119—7.3	2,300						S—dn 41 *ILS	200-1/2	200-1/2	200-1/2
	Knowville BVOR	LOM	222—13.4	2,400						ADF	400-1	400-1	400-1
	Tallahassee Intersection	LOM	333—11.9	3,700						A—dn ILS	600-2	600-2	600-2
Riser Intersection	LOM	317—16.5	3,700						ADF	800-2	800-2	800-2	

4. § 609.13 is amended as follows:
The title is changed to read:

§ 609.13 *Radar procedures.*

5. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Note: Distances are in nautical miles unless otherwise indicated, except visibility which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

City and State; airport name; airport elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Runway No.	Condition	Ceiling and visibility minimums						Missed approach procedure
				Precision approach			Surveillance approach			
				2 engines or less	More than 2 engines	2 engines or less	More than 2 engines	2 engines or less	More than 2 engines	
1	2	3	4	5	6	7	8	9	10	11
NEWARK, N. J. Newark Airport, 18'. Procedure No. 1. Amendment No. 7. Effective date: December 1, 1955. Supersedes Amendment 6, dated February 15, 1956. Major changes: Adds runway visual range minimums for takeoffs.	2,000' NE sector (58°-90°). All other sectors 2,000' within 20 miles. Within the S quadrant of the Newark LFR 1,300' within 13 miles.	All 4, 11, 29 22 4 29 22 4 29 22	T-dn C-dn C-dn S-dn S-dn A-dn A-dn	300-1 600-1 900-1 *200-1/2 600-2	300-1 600-1 900-1 *200-1/2 600-2	200-1/2 600-1/2 900-1/2 *200-1/2 600-2	200-1 600-1 900-1 600-1 900-1 800-2 900-2	300-1 600-1 900-1 600-1 900-1 800-2 900-2	200-1/2 600-1/2 900-1/2 600-1 900-1 800-2 900-2	Climb to 1,000' on NE course Newark LFR, then make left climbing turn to Patterson radio beacon at 2,000' or when directed by ATC, (1) make climbing left turn to 2,000' direct to Chatham radio beacon, or (2) make a right climbing turn to 1,000' return to LOM. *Runway 4 only: 200-1/2 or runway visual range of 2,000'. <i>Prohibited.</i> That approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) All components of the approach lights and high intensity runway lights shall be in normal operation, and (2) descent below the authorized landing minimum altitude of 218' means sea level shall not be made unless (a) visual contact with the approach lights has been established, or (b) the aircraft is clear of clouds. #Runway 4 only: Runway visual range of 2,000' may be utilized in lieu of 200-1/2 when 200-1/2 is authorized.

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 423. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[P. R. Doc. 56-6827; Filed, Nov. 9, 1956; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 91]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.391 *Navel Orange Regulation 91—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 8, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 11, 1956, and ending at 12:01 a. m., P. s. t., November 18, 1956, is hereby fixed as follows:

- (i) District 1: 415,800 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 60,060 cartons;
- (iv) District 4: 60,060 cartons.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 9, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 56-9352; Filed, Nov. 9, 1956;
11:56 a. m.]

[Orange Reg. 303]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.808 *Orange Regulation 303—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 12, 1956. Shipments of all oranges,

except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 12, 1956; the recommendation and supporting information for continued regulation subsequent to November 11, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 6, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 12, 1956, and ending at 12:01 a. m., e. s. t., November 26, 1956, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard 1½ bushel nailed box;

(iii) Any Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1; or

(iv) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 3½ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1," "U. S. No. 1 Bronze," "standard pack," and "standard 1½ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 7, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 56-9296; Filed, Nov. 9, 1956;
8:51 a. m.]

[Grapefruit Reg. 251]

PART 933—ORANGES, GRAPEFRUIT, AND
TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.809 Grapefruit Regulation 251—

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 12, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 12, 1956; the recommendation and supporting information for continued regulation subsequent to November 11, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 6, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this

section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) Order. (1) During the period beginning at 12:01 a. m., e. s. t., November 12, 1956, and ending at 12:01 a. m., e. s. t., November 26, 1956, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iv) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Bronze; Provided, That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars; or

(v) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Bronze," "damage," "serious damage," "scars," "standard pack," and "standard nailed box" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 7, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 56-9295; Filed, Nov. 9, 1956;
8:50 a. m.]

[Tangerine Reg. 179]

PART 933—ORANGES, GRAPEFRUIT, AND
TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.810 Tangerine Regulation 179—

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and

Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions effective not later than November 12, 1956. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until November 12, 1956; the recommendation and supporting information for continued regulation subsequent to November 11, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 6, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) Order. (1) During the period beginning at 12:01 a. m., e. s. t., November 12, 1956, and ending at 12:01 a. m., e. s. t., November 26, 1956, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a

half-standard box (inside dimensions $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810-51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 7, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[F. R. Doc. 56-9297; Filed, Nov. 9, 1956;
8:51 a. m.]

[Lemon Reg. 667]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.774 *Lemon Regulation 667*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administra-

tive Committee on November 7, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 11, 1956, and ending at 12:01 a. m., P. s. t., November 18, 1956, is hereby fixed as follows:

- (i) District 1: 6,510 cartons;
- (ii) District 2: 158,100 cartons;
- (iii) District 3: 21,390 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 8, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 56-9326; Filed, Nov. 9, 1956;
8:57 a. m.]

PART 984—WALNUTS GROWN IN CALI- FORNIA, OREGON AND WASHINGTON

ORDER ESTABLISHING WALNUT CONTROL PER- CENTAGES FOR 1956-57 MARKETING YEAR

Pursuant to the provisions of Marketing Agreement No. 105 as amended, and Order No. 84, as amended (7 CFR, 1955 Rev., Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Walnut Control Board, on September 19, 1956, recommended control percentages relative to allocation of walnuts between shelled and inshell and between normal market and surplus outlets for the 1956-57 crop year.

The Board made estimates of the supply and demand for walnuts in 1956-57 and concluded that, although prices were likely to be below parity, the prospective supply and demand situation made it unnecessary to invoke allocation or control percentages. Therefore, the Board recommended that no volume regulations be applicable to either unshelled or total supplies of walnuts during the 1956-57 marketing year.

On the basis of the Walnut Control Board recommendation and other infor-

mation on the need for volume regulations applicable to the 1956-57 supply of walnuts, the following order is hereby issued:

§ 984.208 *Control percentages for walnuts during the marketing year beginning August 1, 1956.* During the marketing year beginning August 1, 1956, the following percentages shall be in effect: Merchantable free percentage, 100 percent; merchantable restricted percentage, zero percent; merchantable allocation percentage, zero percent; marketable percentage, 100 percent; surplus percentage, zero percent; and diversion percentage, zero percent.

It is hereby found and determined that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or to postpone the effective date of the aforesaid order later than the date of its publication in the FEDERAL REGISTER for the reasons that (1) the percentages were recommended unanimously by the Walnut Control Board, the industry agency charged with responsibility for operating the program, and (2) the result of the action will be merely to notify handlers that no set-aside requirements will be imposed on them for the current marketing year.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 6, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-9273; Filed, Nov. 9, 1956;
8:47 a. m.]

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

ORDER ESTABLISHING BUDGET OF EXPENSES OF THE PECAN ADMINISTRATIVE COMMIT- TEE AND RATE OF ASSESSMENT FOR FISCAL PERIOD BEGINNING OCTOBER 1, 1956

Pursuant to the provisions of Marketing Agreement No. 111 and Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR, 1955 Rev., Part 994), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Pecan Administrative Committee, the administrative agency thereunder, has unanimously recommended a budget of expenses of \$30,000 for its operations and an assessment rate of 20 cents per hundred pounds of pecans handled for the fiscal period beginning October 1, 1956.

It is anticipated that shipments of pecans from the five-State area for in-shell distribution will total 15,000,000 pounds or more in 1956-57. This would result in sufficient revenue at the rate herein established to satisfy the budgeted expenses.

The order is as follows:

§ 994.306 *Budget of expenses of the Pecan Administrative Committee and*

rate of assessment for the fiscal year beginning October 1, 1956—(a) *Expenses.* The budget of expenses for said period shall be in the total amount of \$30,000, such amount being reasonable and likely to be incurred for Committee maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment, for said period, payable by each handler to the Pecan Administrative Committee on demand, shall be 0.20 cent per pound of pecans handled by him, except as said pecans may be exempt from assessment payments pursuant to the provisions of §§ 994.76 and 994.77.

It is hereby found and determined that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or to defer the effective date of the aforesaid order later than the date of its publication in the *FEDERAL REGISTER* for the reasons that: (1) the program has recently been reactivated and no assessment income is available for Committee operations, (2) therefore, it is necessary to begin collecting assessments as soon as practicable, and (3) it will have no effect on total assessments levied on handlers for the fiscal year.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 7, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[P. R. Doc. 56-9298; Filed, Nov. 9, 1956;
8:51 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

SUBPART—1957

Our agricultural resources produce about two-thirds of the raw materials on which our national economy is based. As our Nation grows, an expanding economy and the raw materials essential to it become ever increasingly important to the welfare of every citizen.

Through the Agricultural Conservation Program, all the people of the Nation share in the cost of protecting the most vital of our natural resources—our farm and ranch lands. This program is one of the many forms of public assistance essential to this protection. Research, education, technical services, and cost-sharing all are designed to help preserve or restore the physical characteristics of our agricultural lands so that a stable agriculture will be assured. The need for achievements beyond those which come just from wise use of the land for crop production is very great.

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CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

1102.741 Practice 1: Establishment of water disposal areas to dispose of excess water from ditches or terrace systems without causing erosion, by establishing perennial grasses or legumes in natural waterways or in other predetermined locations, or by constructing protected outlet channels.

1102.742 Practice 2: Constructing continuous terraces to detain or control the flow of water and check soil erosion on sloping land.

Sec.

1102.743 Practice 3: Establishing field diversion ditches or diversion terraces to intercept surface runoff from the watershed above and divert it into protected outlets to prevent erosion and protect lower lying cultivated areas.

1102.744 Practice 4: Constructing or enlarging permanent open drainage systems to dispose of excess water.

1102.745 Practice 5: Installing permanent underground tile drainage systems to dispose of excess water.

1102.746 Practice 6: Constructing hillside ditches with or without vegetative barriers to detain or control the flow of water and check erosion on sloping land.

1102.747 Practice 7: Constructing rock barriers to form and support bench terraces and control the flow of water and check erosion on sloping land.

1102.748 Practice 8: Constructing, enlarging, or sealing dams, pits, or ponds as a means of protecting vegetative cover.

1102.749 Practice 9: Constructing, enlarging, or sealing dams, pits, or ponds to impound surface water for irrigation, primarily for lands devoted to crops other than sugarcane, cotton, or tobacco.

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

1102.750 Practice 10: Planting vegetative barriers on land, of types determined by the Soil Conservation Service, of 10 percent or more slope.

1102.751 Practice 11: Initial establishment of contour stripcropping on non-terraced land to protect soil from water erosion by planting alternate strips of clean-tilled crops and noncultivated grasses or legumes which will prevent soil washing.

1102.752 Practice 12: Initial establishment of a stand of fruit trees for erosion control and/or for windbreaks.

1102.753 Practice 13: Planting of trees to establish woodlots for timber production and soil and water conservation.

1102.754 Practice 14: Initial establishment of improved permanent pasture for erosion control by seeding, sodding, or sprigging perennial legumes or self-reseeding annual or perennial grasses or a mixture of legumes and perennial grasses or other approved forage plants.

1102.755 Practice 15: Initial application of refuse from sugar mill grinding operations, known as filter cake, to permit the initial establishment of pasture under practice 14 (§ 1102.754) for soil protection and moisture conservation.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

1102.756 Practice 16: Improvement of established permanent pasture of Molasses, Guinea, Gramalote, and Para Grass by seeding Tropical Kudzu for soil or watershed protection.

1102.757 Practice 17: Improving the woodland protection which coffee groves provide for steep slopes by planting shade trees.

Sec.

1102.758 Practice 18: Improving the woodland protection which coffee groves provide for steep slopes by applying to coffee trees fertilizer of grades containing not less than 8 units of available nitrogen (N) and 10 units of available phosphate (P_2O_5).

1102.759 Practice 19: Initial establishment of permanent woodland cover or improvement of established woodland cover for soil protection in coffee groves less than four years old.

AUTHORITY: §§ 1102.700 to 1102.759 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended. Public Law 554, 84th Cong.; 16 U. S. C. 590g-590q.

INTRODUCTION

§ 1102.700 *Introduction.* (a) Through the 1957 Agricultural Conservation Program for Puerto Rico (referred to in this subpart as the "1957 program"), administered by the Department of Agriculture, the Federal Government will share with farmers of Puerto Rico the cost of carrying out approved soil and water conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared, when carried out on a particular farm, and the exact specifications and rates of cost-sharing for such practices are set forth in this subpart. Any additional information may be obtained at the ASC District Offices, or at the local offices of the Soil Conservation Service with respect to practices 1 through 11 (§§ 1102.741 to 1102.751), and at the offices of the Forest Service with respect to practices 12 and 13 (§§ 1102.752 and 1102.753).

(c) The 1957 program was developed by the ASC State Office, the Director of the Soil Conservation Service for the Caribbean Area, the Forest Service official having jurisdiction of farm forestry in Puerto Rico, the Director of Agricultural Extension Service, and representatives of the Department of Agriculture and Commerce of the Commonwealth of Puerto Rico.

GENERAL PROGRAM PRINCIPLES

§ 1102.701 *General program principles.* The 1957 Agricultural Conservation Program for Puerto Rico has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the soil and water conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1957 on the lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing are the minimum required to result in substantially increased performance of needed soil and water conservation practices.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland as a result of drainage. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers otherwise would not perform but which are essential to sound soil and water conservation, the farmers should assume responsibility for the upkeep and maintenance of those practices through their life span.

ALLOCATION OF FUNDS

§ 1102.702 *Allocation of funds.* The amount of funds available for conservation practices under this program is \$830,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1102.717.

SELECTION OF PRACTICES, RESPONSIBILITY FOR TECHNICAL PHASES, AND BULLETINS, INSTRUCTIONS, AND FORMS

§ 1102.703 *Selection of practices.* The practices contained in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

§ 1102.704 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of practices 1 through 11 (§§ 1102.741 to 1102.751). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practices, (3) the necessary supervision of the installation, and (4) certification of performance. Complete specifications for practices 1 through 11 are contained in a document entitled "Detailed Specifications for Conservation Practices—Puerto Rico" prepared by the Soil Conservation Service, Caribbean Area Office, and available at the SCS Work Unit Offices and the ASC District Offices.

(b) The Forest Service is responsible for the technical phases of practices 12 and 13 (§§ 1102.752 and 1102.753). This responsibility shall include (1) provid-

ing necessary specialized technical assistance, (2) development of specifications for the practices, and (3) working through the ASC State Office, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

§ 1102.705 *Bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1957 program as it applies to Puerto Rico, and forms will be available at the State and District ASC Offices. Persons wishing to participate in the program should obtain all information needed from the offices mentioned in this subpart in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS

§ 1102.706 *Opportunity for requesting cost-sharing.* Each farm operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm.

§ 1102.707 *Prior request for cost-sharing.* (a) Costs will be shared only for those practices for which cost-sharing is requested by the farm operator before performance thereof is started. For practices for which (1) approval was given under the 1956 Agricultural Conservation Program, (2) performance was started but not completed during the 1956 program year, and (3) the ASC State Office believes the extension of the approval to the 1957 program is justified under the 1957 program regulations and provisions, the filing of the request for cost-sharing under the 1956 program may be regarded as meeting the requirements of the 1957 program that a request for cost-sharing be filed before performance of the practice is started.

(b) Any farm operator who wishes to participate in the 1957 program must file one or the other of the following forms:

(1) For practices 1 to 13 inclusive (§§ 1102.741 to 1102.753), Cert. Form No. 39-57-P. R., Declaration of Intention, Request for Inspection, Certification of Conservation Needs and Notice of Approval.

(2) For practices 14, 15, and 16 (§§ 1102.754 to 1102.756), Cert. Form No. 40-57-P. R., Declaration of Intention, Request for Purchase Order, Certification of Eligibility and Notice of Approval.

(3) For practices 17, 18, and 19 (§§ 1102.757 to 1102.759), O-Form No. 112 (Revised), Declaration of Intention and Request for Purchase Order.

(c) These forms may be obtained and filed at any of the ASC District Offices, field offices of the Soil Conservation Service (SCS), field offices of the Extension Service, District Offices of Farmers Home Administration, and field offices of the Department of Agriculture and Commerce of the Commonwealth of Puerto Rico.

(d) These forms must be filed on or before June 30, 1957, or such extension thereof, as determined by the ASC State Office, but not extending beyond July 31, 1957, except for cases of hardship, as determined by the ASC State Office.

§ 1102.708 *Method and extent of approval.* The ASC State Office will determine, or may delegate to the District Offices authority to determine, the extent to which Federal funds will be available to share the cost of each approved practice on each farm, taking into consideration the available funds, the conservation problems of the individual farm and other farms, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1957. Prior approval of the ASC State Office is required for all practices. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices.

§ 1102.709 *Initial establishment or installation of practices.* (a) Federal cost-sharing may be authorized under the 1957 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1957 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed, if all of the following conditions exist:

(1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(3) The ASC State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

(b) With normal upkeep and maintenance, practices 1 to 17 and 19 (§§ 1102.701 to 1102.757 and 1102.759) carried out under the 1954 or a subsequent program would not have served their life spans by the end of the 1957 program year. Accordingly, cost-sharing for reestablishment or replacement of these practices may be authorized only under the conditions set forth in this section.

§ 1102.710 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

§ 1102.710a *Pooling agreements.* Farmers in any local area may agree in writing, with the approval of the ASC State Office, to perform designated amounts of practices which will conserve or improve

the agricultural resources of the community. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the persons who performed the practices.

PRACTICE COMPLETION REQUIREMENTS

§ 1102.711 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1102.712 and 1102.713, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1102.712 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1957 program year, if the ASC State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with the applicable specifications and program provisions.

§ 1102.713 *Practices involving the establishment or improvement of vegetative cover.* Costs for practices involving the establishment or improvement of vegetative cover may be shared even though a good stand is not established, if the ASC State Office determines, in accordance with standards approved by the ASC State Office, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm operator. The ASC State Office may require as a condition of cost-sharing in such cases that the area be reseeded or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

FEDERAL COST-SHARES

§ 1102.714 *Conservation materials—(a) Availability.* (1) In order to facilitate the financing of the purchase of fertilizers for practices 14, 16, 18, and 19 (§§ 1102.754, 1102.756, 1102.758, and 1102.759), the fertilizer may be furnished on purchase orders to persons for carrying out these practices. Fertilizer may not be furnished to persons who are indebted to the Federal Government as indicated by the Register of Indebtedness, except in those cases where the agency to which the debt is owed notifies the ASC State Office that it waives its right to setoff in order to permit the furnishing of fertilizers. Purchase orders may be obtained by filing an application for such orders. Applications are available at the ASC District

Offices, field offices of the Extension Service, field offices of the Department of Agriculture and Commerce of the Commonwealth Government of Puerto Rico, field offices of the Soil Conservation Service, and District Offices of the Farmers Home Administration.

(2) Title to any fertilizer furnished through the Agricultural Conservation Program shall vest in the Federal Government until the fertilizer is applied or all charges for same are satisfied.

(b) *Cost to farmer.* The farmer shall pay that part of the cost of the fertilizer, as established under instructions issued by the Administrator, ACPs, which is in excess of the Federal cost-share attributable to the use of the fertilizer. The Federal cost-share increase on the amount of Federal cost-share attributable to the use of the fertilizer may be advanced as a credit against that part of the cost of the fertilizer required to be paid by the farmer.

(c) *Discharge of responsibility for fertilizer.* (1) The person to whom fertilizer is furnished under the 1957 program will be relieved of responsibility for the fertilizer upon determination by the ASC State Office that the fertilizer was used in performing the practice for which it was furnished. If the person uses any fertilizer for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the fertilizer borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program.

(2) Any person to whom fertilizer is furnished shall be responsible to the Federal Government for any damage to the fertilizer unless he shows that the damage was caused by circumstances beyond his control. If the fertilizer is abandoned or not used during the program year, it may, in accordance with instructions issued by the Administrator, ACPs, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the fertilizer, or be retained by the person for use in a subsequent program year.

§ 1102.715 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the ASC State Office determines was furnished by a State or Federal agency. Materials or services furnished through the program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1102.716 *Division of Federal cost-shares—(a) Federal cost-shares.* The Federal cost-share attributable to the use of fertilizer furnished under purchase orders shall be credited to the person to whom the fertilizer is fur-

nished, and it shall have priority over payment for other practices. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (Part 1108 of this chapter).

§ 1102.717 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to \$0.71 or less shall be increased to \$1.

(b) Any Federal cost-share amounting to more than \$0.71, but less than \$1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
\$1 to \$1.99	\$0.40
\$2 to \$2.99	.80
\$3 to \$3.99	1.20
\$4 to \$4.99	1.60
\$5 to \$5.99	2.00
\$6 to \$6.99	2.40
\$7 to \$7.99	2.80
\$8 to \$8.99	3.20
\$9 to \$9.99	3.60
\$10 to \$10.99	4.00
\$11 to \$11.99	4.40
\$12 to \$12.99	4.80
\$13 to \$13.99	5.20
\$14 to \$14.99	5.60
\$15 to \$15.99	6.00
\$16 to \$16.99	6.40
\$17 to \$17.99	6.80
\$18 to \$18.99	7.20
\$19 to \$19.99	7.60
\$20 to \$20.99	8.00
\$21 to \$21.99	8.40
\$22 to \$22.99	8.80
\$23 to \$23.99	9.20
\$24 to \$24.99	9.60
\$25 to \$25.99	10.00
\$26 to \$26.99	10.40
\$27 to \$27.99	10.80
\$28 to \$28.99	11.20
\$29 to \$29.99	11.60

Amount of cost-share computed—Continued	Increase in cost-share
\$30 to \$30.99	12.00
\$31 to \$31.99	12.40
\$32 to \$32.99	12.80
\$33 to \$33.99	13.20
\$34 to \$34.99	13.60
\$35 to \$35.99	14.00
\$36 to \$36.99	14.40
\$37 to \$37.99	14.80
\$38 to \$38.99	15.20
\$39 to \$39.99	15.60
\$40 to \$40.99	16.00
\$41 to \$41.99	16.40
\$42 to \$42.99	16.80
\$43 to \$43.99	17.20
\$44 to \$44.99	17.60
\$45 to \$45.99	18.00
\$46 to \$46.99	18.40
\$47 to \$47.99	18.80
\$48 to \$48.99	19.20
\$49 to \$49.99	19.60
\$50 to \$50.99	20.00
\$51 to \$51.99	20.40
\$52 to \$52.99	20.80
\$53 to \$53.99	21.20
\$54 to \$54.99	21.60
\$55 to \$55.99	22.00
\$56 to \$56.99	22.40
\$57 to \$57.99	22.80
\$58 to \$58.99	23.20
\$59 to \$59.99	23.60
\$60 to \$185.99	24.00
\$186 to \$199.99	(1)
\$200 and over	(2)

¹ Increase to \$200.

² No increase.

§ 1102.718 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1957 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of \$1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of \$10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1957 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1102.719 *Persons eligible to file application.* Any person, who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1102.720 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the ASC District Offices forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient

administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least two weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the ASC District Offices and making copies available to the press. Other means of notification, including individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer.

(b) *Payment of Federal cost-shares* will be made only upon application submitted on the prescribed form to the ASC District Offices not later than February 28, 1958, except that the ASC State Office may accept an application filed after February 28, 1958, but not later than December 31, 1958, in cases where the failure to timely file was not the fault of the applicant. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the ASC District Office within the applicable time limit.

(c) If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he does so on or before December 31, 1958.

§ 1102.721 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided,* That the Secretary, upon the recommendation of the Administrator, ACPS, and the ASC State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal

where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1102.723 Compliance with regulatory measures. Persons who carry out conservation practices under the 1957 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

§ 1102.724 Maintenance of practices. The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1957 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1102.725 Practices defeating purposes of programs. If the ASC State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1957 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1957 program.

§ 1102.726 Depriving others of Federal cost-share. If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1957 program.

§ 1102.727 Filing of false claims. If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-sharing under the 1957 program and shall refund all amounts that may have been paid to him under the 1957 program. The withholding or refunding of Federal cost-shares will be in

addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1102.728 Misuse of purchase orders. If the ASC State Office finds that any person has knowingly used a purchase order issued to him for conservation materials for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-sharing under the 1957 program and shall refund all amounts that may have been paid to him under the 1957 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1102.729 Federal cost-shares not subject to claims. Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1102.730, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1102.730 Assignments. Any person who may be entitled to any Federal cost-share under the 1957 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1957, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1102.733 Definitions. For the purposes of the 1957 Agricultural Conservation Program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Commonwealth of Puerto Rico.

(d) "ASC State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(f) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one

person, including also (1) any other adjacent or nearby farm or range land which the ASC State Office determines is operated by the same person as part of the same unit in producing livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. Notwithstanding any limitation in this paragraph concerning the type or use of land, a farm may include or may consist entirely of woodland which is being operated for the production and sale of forest products. A farm shall be regarded as located in the municipality in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(g) "Coffee farm" means the same as "farm" except that it shall contain at least 0.5 acre of coffee in production in any one contiguous area.

(h) "Sugarcane farm" means any farm that has sugarcane growing in 1957.

(i) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, an erosion hazard to the community.

(j) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(k) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(l) "Program year" means the period from January 1, 1957, through December 31, 1957.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1102.735 Authority. The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g-590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957.

§ 1102.736 Availability of funds. (a) The provisions of the 1957 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be

within the limits finally determined by such appropriation.

(b) The funds provided for the 1957 program will not be available for paying Federal cost-shares for which applications are filed in the ASC District Offices after December 31, 1958.

§ 1102.737 *Applicability.* (a) The provisions of the 1957 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (6) of this section; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

§ 1102.741 *Practice 1: Establishment of water disposal areas to dispose of excess water from ditches or terrace systems without causing erosion, by establishing perennial grasses or legumes in natural waterways or in other predetermined locations, or by constructing protected outlet channels.* In order to qualify for Federal cost-sharing, the establishment of natural waterways or disposal areas and the construction of outlet channels must conform with specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (1) \$0.75 per 1,000 square feet, when established by shaping and seeding.

(2) \$3.25 per 1,000 square feet, when established by shaping and sodding.

(3) \$0.12 per cubic yard of earth moved, when a channel is constructed by excavation and vegetation is established.

§ 1102.742 *Practice 2: Constructing continuous terraces to detain or control the flow of water and check soil erosion on sloping land.* In order to qualify for Federal cost-sharing, a channel or Nichols type terrace shall be constructed on land of from 2 to 12 percent slope. The terrace system must also comply with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. \$1.25 per 100 linear feet of terrace.

§ 1102.743 *Practice 3: Establishing field diversion ditches or diversion terraces to intercept surface runoff from the watershed above and divert it into protected outlets to prevent erosion and protect lower lying cultivated areas.* No Federal cost-sharing will be allowed for this practice if the cultivation of the lower lying areas does not follow the approximate contour. Necessary protected outlets must be established in accordance with the specifications contained in practice 1 (§ 1102.741) prior to construction of field diversion ditches. In order to qualify for Federal cost-sharing, the establishment of field diversion ditches or diversion terraces must conform with the specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. \$0.12 per cubic yard of earth moved.

§ 1102.744 *Practice 4: Constructing or enlarging permanent open drainage systems to dispose of excess water.* (a) Federal cost-sharing will be allowed for both new ditches and for clearing and/or enlarging old channels where there is poor drainage and flood damage due to poor condition of natural streams of extremely low gradients, or to impaired carrying capacity because of vegetative or woody growth or irregularities in channel gradients, and where a new straight channel would have excessive gradient.

(b) No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring additional land into agricultural production, or for cleaning a ditch, or for structures installed for crossings, or for other structures primarily for the benefit of the farm operator. No Federal cost-sharing will be allowed for permanent open farm drainage ditches constructed or enlarged on sugarcane land, except where such drainage is carried out as a community project under a pooling agreement approved by the ASC State Office. No Federal cost-sharing will be allowed for this practice where there is any likelihood that it will create an erosion or flood hazard. In the installation of drainage

systems, due consideration shall be given to the maintenance of wildlife habitat.

(c) Construction or improvement of channels under this practice will not be approved where the watershed being drained discharges large quantities of sand or silt creating a sedimentation problem in drainage channels, unless protective measures are applied in the contributing watershed such as vegetative cover on sand or silt contributing areas and/or silt detention reservoirs or desilting basins established prior to construction of ditches.

(d) In order to qualify for Federal cost-sharing, the construction or enlargement of permanent open drainage systems must conform with the specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (1) \$0.12 per cubic yard of earth moved and spread.

(2) \$15 per acre for clearing existing channel and 15 feet beyond each bank, but not to exceed 50 percent of the actual cost of clearing. Receipts or records showing payment for labor will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.

§ 1102.745 *Practice 5: Installing permanent underground tile drainage systems to dispose of excess water.* (a) This practice will be applicable where internal drainage is needed, soils are adaptable, and all possible surface drainage consistent with farming practices has been completed.

(b) Regardless of the size of tile used, Federal cost-sharing shall not exceed \$50 per acre. No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring additional land into agricultural production. No Federal cost-sharing will be allowed for repairing or maintaining existing tile drainage systems. No Federal cost-sharing will be allowed for tile drainage installed on sugarcane land, except where such installation of tile drainage is carried out under a pooling agreement approved by the ASC State Office. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

(c) In order to qualify for Federal cost-sharing, acceptable size and grade of tile shall be laid to a predesigned depth, grade, and alignment, and covered, all in a workmanlike manner. An acceptable outlet must be provided. The tile drainage system must comply with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (1) \$0.08 per linear foot for 4-inch tile.

(2) \$0.10 per linear foot for 6-inch tile.

(3) \$0.12 per linear foot for 8-inch tile.

(4) \$0.15 per linear foot for 10- to 12-inch tile.

(5) \$0.20 per linear foot for 12-inch tile and above.

§ 1102.746 *Practice 6: Constructing hillside ditches with or without vegetative barriers to detain or control the flow of water and check erosion on sloping land.* (a) No Federal cost-sharing will

be allowed for this practice if the hillside ditches are constructed in sugarcane land.

(b) In order to qualify for cost-sharing, the hillside ditch system must be established on fields cultivated along the approximate contour or in orchards of 2 to 45 percent slope in accordance with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. \$1 per 100 linear feet.

§ 1102.747 *Practice 7: Constructing rock barriers to form and support bench terraces and control the flow of water and check erosion on sloping land.* In order to qualify for Federal cost-sharing, the rock barriers must be constructed in accordance with specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. \$1.50 per cubic yard of rock used.

§ 1102.748 *Practice 8: Constructing, enlarging, or sealing dams, pits, or ponds as a means of protecting vegetative cover.* (a) The dams, pits, or ponds must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

(b) In order to qualify for Federal cost-sharing, the constructing, enlarging, or sealing of dams, pits, or ponds must conform with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (1) \$0.12 per cubic yard of earth moved in the construction of an earth dam, pond, or pit.

(2) \$10 per cubic yard of concrete or rubble masonry used in the construction of a concrete dam or in lining any part of an excavated pond or pit when the permeability of the soil makes such lining desirable, or in the construction of a masonry dam.

(3) \$15 per cubic yard of steel reinforced concrete used for box culvert, cradle, cutoff walls, headwalls, outlet structures and/or riser.

(4) 50 percent of actual cost of conduits, slide gates, and metal cutoff collars. Receipts or invoices showing the purchase of these materials will be required by the Inspector as evidence of accomplishment under this rate of cost-sharing.

§ 1102.749 *Practice 9: Constructing, enlarging, or sealing dams, pits, or ponds to impound surface water for irrigation, primarily for lands devoted to crops other than sugarcane, cotton, or tobacco.* In order to qualify for Federal cost-sharing, the construction, enlarging, or sealing of dams, pits, or ponds for irrigation water must conform with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (1) \$0.12 per cubic yard of earth moved in the construction of an earth dam, pond, or pit.

(2) \$10 per cubic yard of concrete or rubble masonry used in the construction of a concrete dam or in lining any part of an excavated pond or pit when the permeability of the soil makes such lining desirable, or in the construction of a masonry dam.

(3) \$15 per cubic yard for steel reinforced concrete box culvert, cradle, cutoff walls, headwalls, outlet structures, and/or riser.

(4) 50 percent of actual cost of conduits, slide gates, and metal cutoff collars. Receipts or invoices showing the purchase of these materials will be required by the Inspector as evidence of accomplishment under this rate of cost-sharing.

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

§ 1102.750 *Practice 10: Planting vegetative barriers on land, of types determined by the Soil Conservation Service, of 10 percent or more slope.* No cost-sharing will be allowed on cultivated land if cultivation does not follow the approximate contour. Cost-sharing will be allowed when the grasses forming the barrier are planted in accordance with the following specifications:

(a) Grasses eligible under the specifications of practice 6 (§ 1102.746) may be used and must be planted along contour lines.

(b) The vertical distance between the barriers must not exceed 9 feet.

(c) When cuttings of stiff-stemmed grasses are used, two rows 6 inches apart must be planted. When clump divisions of such grasses are used, the rows must be approximately 6 inches wide.

(d) When sod-forming grasses are used, the planted rows must be approximately 3 feet wide.

No cost-sharing will be allowed under this practice if the barriers are planted in connection with ditches under practice 6 (§ 1102.746).

Maximum Federal cost-share. \$0.30 per 100 linear feet.

§ 1102.751 *Practice 11: Initial establishment of contour stripcropping on nonterraced land to protect soil from water erosion by planting alternate strips of clean-tilled crops and noncultivated grasses or legumes which will prevent soil washing.* No cost-sharing will be allowed on cultivated land if cultivation does not follow the approximate contour. Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The spacing and width of the strips must be in accordance with the recommendations of the Soil Conservation Service. The width of the clean-tilled area must not exceed twice the width of the non-cultivated area of vegetation.

Maximum Federal cost-share. \$3 per acre.

§ 1102.752 *Practice 12: Initial establishment of a stand of fruit trees for erosion control and/or for windbreaks.* For erosion control, trees must be planted on the contour and be protected from fire and grazing. A permanent cover of grass, legumes, or mulch must be maintained under the trees. For windbreaks, the trees must be planted in such a pattern as to constitute an effective barrier against the prevailing winds and be protected from fire and grazing. They must afford protection for adjacent areas which are devoted to agricultural pur-

poses. Federal cost-sharing will be allowed for not more than 200 trees on a farm.

Maximum Federal cost-share. \$0.10 per tree.

§ 1102.753 *Practice 13: Planting of trees to establish woodlots for timber production and soil and water conservation.* In order to qualify for Federal cost-sharing, at least one-half acre must be planted, and the trees are to be spaced no wider than 8 x 8 feet. Woodlots must be protected from fire and grazing. Federal cost-sharing may be authorized for fences, where needed to protect the trees being planted, but shall be limited to permanent fences. Boundary and road fences and the repair, replacement, or maintenance of existing fences are excluded. The fences must be constructed with new materials. The posts must be spaced not more than 8 feet with the corner posts adequately braced. Three strands of barbed wire No. 12½ or heavier, properly stretched, must be used.

Maximum Federal cost-share. (1) \$2 per 100 trees living at the time of inspection.

(2) \$3 per 100 feet of fences.

§ 1102.754 *Practice 14: Initial establishment of improved permanent pasture for erosion control by seeding, sodding, or sprigging perennial legumes or self-seeding annual or perennial grasses or a mixture of legumes and perennial grasses or other approved forage plants.* (a) Cost-sharing for carrying out this practice is limited to farms located within the Central Area comprising the municipalities of Aibonito, Barranquitas, Coamo, Comerio, and Orocovis; the Northwest Area comprising the municipalities of Vega Alta, Vega Baja, Manati, Barceloneta, Arecibo, Camuy, Hatillo, Quebradillas, and Isabela; and the Central West Area comprising the municipalities of Adjuntas, Ciales, Jayuya, Lares, Las Marias, Maricao, Morovis, San Sebastian, Utuado, Naranjito, Corozal, and Toa Alta.

(b) No Federal cost-sharing will be allowed for any operation for which the Commonwealth Government of Puerto Rico shares in the cost under any other program.

(c) Receipts or invoices showing the purchase and analysis of the fertilizer applied (except for fertilizer furnished through the Agricultural Conservation Program as provided in § 1102.714), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(d) The varieties of grasses and legumes planted must be well adapted to the conditions of the particular area. Plantings must be carried out on not less than one-half acre to qualify for cost-sharing.

(e) The land must be properly prepared by plowing, and harrowing if necessary, and furrowing on the approximate contour lines, or by hand preparation, and sufficient clump divisions sprigs, cuttings, or seeds must be used to secure a good ground cover at maturity.

(f) When Guinea Grass pasture is established by using seed, the rate of seeding should not be less than 20 pounds

per acre. When Guinea and/or Molasses Grass is seeded in mixtures with Tropical Kudzu the rate of seeding will be as follows: (1) Molasses Grass, 5 pounds per acre, Tropical Kudzu, 4 pounds per acre; (2) Guinea Grass, 8 pounds per acre, Tropical Kudzu, 4 pounds per acre.

(g) When grass pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope, the plantings and all cultivating must be as nearly as practicable along contour lines.

Maximum Federal cost-share. (1) \$12 per acre for planting Para, Guinea, Gramalote, Pangola, or Giant St. Augustine Grass.

(2) \$15 per acre for planting Tropical Kudzu in combination with Molasses, Guinea, Gramalote, or Para Grass, or a combination of these grasses.

(3) \$18 per acre for planting Elephant or Merker Grass on land with slopes not in excess of 45 percent.

(4) \$0.10 per pound of nitrogen (N) applied to plantings of grasses established under (1) above, but not exceeding 160 pounds per acre.

(5) \$0.10 per pound of nitrogen (N) applied to plantings of grasses established under (3) above, but not exceeding 200 pounds per acre.

(6) \$0.07 per pound of phosphate (available P_2O_5) applied to plantings of grasses established under (1), (2), and (3) above. Cost-sharing will be allowed for applications of phosphate not exceeding 120 pounds per acre.

(7) \$0.04 per pound of potash (available K_2O) applied to plantings of legumes and grasses established under (2) and (3) above, but not exceeding 90 pounds per acre.

§ 1102.755 Practice 15: Initial application of refuse from sugar mill grinding operations, known as filter cake, to permit the initial establishment of pasture under practice 14: (§ 1102.754) for soil protection and moisture conservation. (a) Federal cost-sharing for carrying out this practice is limited to farms located within the three areas mentioned under practice 14 (§ 1102.754).

(b) No Federal cost-sharing will be allowed under this practice if the Commonwealth Government of Puerto Rico shares in the cost under any other program. Farms from which more than 100 acres of sugarcane are harvested in 1957, and any farm operated by a producer-processor as defined under the Sugar Program, are not eligible for cost-sharing under this practice.

(c) The filter cake should be spread over the land and plowed under with the second plowing and before furrowing. A certificate from the mill showing the tons of filter cake delivered to the participating farmer must be retained for presentation to the farm inspector at the time of inspection. If such certificate is not obtainable, the farmer must request the corresponding ASC District Office to inspect the filter cake before it is spread over the land.

Maximum Federal cost-share. \$0.50 per ton, but not exceeding 20 tons per acre.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

§ 1102.756 Practice 16: Improvement of established permanent pasture of Mo-

lasses, Guinea, Gramalote, and Para Grass by seeding Tropical Kudzu for soil or watershed protection. (a) Cost-sharing for carrying out this practice is limited to farms located within the three areas mentioned under practice 14 (§ 1102.754). No Federal cost-sharing will be allowed under this practice if the Commonwealth Government of Puerto Rico shares in the cost under any other program.

(b) To qualify for cost-sharing, the seeding must be carried out on not less than one-half acre and the Tropical Kudzu must occupy at least 40 percent of the area in pasture to be improved.

(c) Receipts or invoices showing the purchase and analysis of fertilizer applied (except for fertilizer furnished through the Agricultural Conservation Program as provided in § 1102.714), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

Maximum Federal cost-share. (1) \$10 per acre for seeding not less than 4 pounds of Tropical Kudzu. This rate of cost-sharing applies to the total area occupied by the Tropical Kudzu and the established pasture.

(2) \$0.07 per pound of phosphate (available P_2O_5) applied to the area seeded to Tropical Kudzu. Cost-sharing will be allowed for applications of phosphate not exceeding 80 pounds of available P_2O_5 per acre.

§ 1102.757 Practice 17: Improving the woodland protection which coffee groves provide for steep slopes by planting shade trees. (a) No Federal cost-sharing will be allowed under this practice if the Commonwealth Government of Puerto Rico shares in the cost under any other program.

(b) Cost-sharing will be allowed only for trees which are well established, free from weeds and vines, and at least 1 foot high at the time of inspection.

(c) The shade trees to be planted must be of the leguminous species currently used such as guaba venezolana, guaba, guama, moca, bucare enano, madre de cacao, etc. These must be well distributed among the coffee trees, and an appropriate number must be planted to provide, when grown, adequate shade for the coffee trees.

Maximum Federal cost-share. (1) \$0.02 per tree planted in 1957 on the actual coffee-bearing acreage of the farm (but not in excess of the greater of either 10 acres or 30 percent of the coffee-bearing acres on the farm), but for not more than 100 trees per acre.

(2) \$0.02 per tree planted in new sites (outside of the coffee-bearing area) being prepared in 1957 for the establishment of new coffee groves, but for not more than 200 trees per acre. The area eligible for this rate of cost-sharing is limited to not more than 10 acres and may be adjusted downward depending on the available funds.

§ 1102.758 Practice 18: Improving the woodland protection which coffee groves provide for steep slopes by applying to coffee trees fertilizer of grades containing not less than 8 units of available nitrogen (N) and 10 units of available phosphate (P_2O_5). (a) When the fertilizer applied on any farm does not meet such minimum requirements, the lower grades may

be accepted if approved by the ASC State Office.

(b) The maximum number of pounds of coffee fertilizer for which cost-sharing will be allowed shall be the product of (1) 600 and (2) 25 percent of the actual number of coffee-bearing acres on the farm.

(c) Receipts or invoices showing the purchase and analysis of fertilizer applied (except for fertilizer furnished through the Agricultural Conservation Program as provided in § 1102.714), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(d) No Federal cost-sharing will be allowed under this practice if the Commonwealth Government of Puerto Rico shares in the cost under any other program.

(e) To qualify for cost-sharing, the shade trees on the area where the fertilizer is applied must have been properly pruned, the forest litter and live ground cover properly maintained, and old or nonproductive coffee trees removed; all in accordance with the specifications approved by the ASC State Office.

Maximum Federal cost-share. \$35 per ton of fertilizer applied.

§ 1102.759 Practice 19: Initial establishment of permanent woodland cover or improvement of established woodland cover for soil protection in coffee groves less than four years old. In order to qualify for cost-sharing, all parts of this practice which are needed must be carried out. Cost-shares will be allowed for not more than 10 acres on any farm. Cost-shares will be allowed only in groves planted or to be planted with coffee trees of the types known as arabica. The coffee trees shall be healthy trees free of diseases and harmful insects. The live ground cover (grass and herbs) should not be cut to a height of less than about 6 inches and the forest litter must not be removed. The shade trees should be kept so pruned or thinned that their shade does not exceed 40 percent. When new coffee trees are planted they must be planted, as far as practicable, along the contour. No Federal cost-sharing will be allowed under any part of this practice for which the Commonwealth Government of Puerto Rico shares in the cost under any other program.

(a) **Application of fertilizer.** Fertilizer applied under this practice shall contain not less than 8 units of available nitrogen (N) and 10 units of available phosphate (P_2O_5), except that when the fertilizer applied on any farm does not meet the minimum requirements, lower grades may be accepted if approved by the ASC State Office. Cost-shares will be allowed for not more than 800 pounds per acre. Receipts or invoices showing the purchase and analysis of fertilizer applied (except for fertilizer furnished through the Agricultural Conservation Program, as provided in § 1102.714), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(b) *Establishment of water disposal areas.* Water disposal areas shall be established, where necessary, as determined by the Soil Conservation Service, and in accordance with specifications for practice 1 (§ 1102.741).

(c) *Establishment of field diversion ditches.* Field diversion ditches shall be established, where necessary, as determined by the Soil Conservation Service, and in accordance with specifications for practice 3 (§ 1102.743).

(d) *Initial establishment of permanent shade for the new coffee groves.* The shade trees to be planted must be of the leguminous species currently used, such as guaba venezolana, guaba, guama, moca, bucare enano, madre de cacao, etc. These must be well distributed among the coffee trees and a sufficient number must be planted to provide, when grown, adequate shade for the coffee trees. Cost-sharing will be allowed only for shade trees which are well established, free from vines and weeds, and at least 1 foot high at the time of inspection. Cost-sharing will be allowed for not more than 200 trees per acre. All new permanent shade trees must be planted as far as practicable along the contour. Banana plants may be used for temporary shade, but should be removed as soon as permanent shade trees can provide approximately 40 percent shade to the coffee trees. Normally such use of banana plants for temporary shade should not be continued after the coffee trees are 2 years old.

(e) *Applying ground limestone or its equivalent.* Cost-sharing will be allowed for applying up to 2 tons per acre of ground limestone containing at least 80 percent calcium carbonate equivalent if the determination of pH shows 5.2 or less. Receipts or invoices showing the purchase and calcium carbonate content of the ground limestone applied, properly dated and signed by the vendor, together with a copy of the certificate of pH determination issued by the Agricultural Extension Service or any agency designated for this purpose by the Department of Agriculture and Commerce of the Commonwealth of Puerto Rico and the ASC State Office, should be retained for presentation to the farm inspector at the time of inspection.

Maximum Federal cost-share. (1) \$35.00 per ton of fertilizer applied.

(2) *Establishment of water disposal areas:*
(a) \$0.75 per 1,000 square feet when established by shaping and seeding.

(b) \$3.25 per 1,000 square feet when established by shaping and sodding.

(c) \$0.12 per cubic yard of earth moved when a channel is constructed by excavation.

(3) \$0.12 per cubic yard of earth moved in the establishment of field diversion ditches.

(4) \$0.02 per tree established for permanent shade.

(5) \$5.00 per ton of ground limestone applied containing at least 80 percent calcium carbonate equivalent.

Done at Washington, D. C., this 6th day of November 1956.

[SEAL]

E. L. PETERSON,
Assistant Secretary.

[P. R. Doc. 56-6276; Filed, Nov. 9, 1956; 8:48 a. m.]

PART 1103—AGRICULTURAL CONSERVATION; VIRGIN ISLANDS

SUBPART—1957

Our agricultural resources produce about two-thirds of the raw materials on which our national economy is based. As our Nation grows, an expanding economy and the raw materials essential to it become ever increasingly important to the welfare of every citizen.

Through the Agricultural Conservation Program, all the people of the Nation share in the cost of protecting the most vital of our natural resources—our farm and ranch lands. This program is one of the many forms of public assistance essential to this protection. Research, education, technical services, and cost-sharing all are designed to help preserve or restore the physical characteristics of our agricultural lands so that a stable agriculture will be assured. The need for achievements beyond those which come just from wise use of the land for crop production is very great.

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PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

1103.647 Practice 7: Construction of permanent cross fences to obtain better distribution and control of livestock grazing and to promote proper grassland management for protection of the forage resources.

1103.648 Practice 8: Constructing wells for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting vegetative cover.

1103.649 Practice 9: Installing pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting vegetative cover.

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

1103.650 Practice 10: Constructing concrete or rubble masonry storage tanks for accumulating water for livestock or for irrigation.

1103.651 Practice 11: Constructing rock barriers to form bench terraces or to obtain or control the flow of water and check erosion on sloping land.

1103.652 Practice 12: Subsoiling to permit better penetration of water.

AUTHORITY: §§ 1103.600 to 1103.652 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, Pub. Law 554, 84th Cong.; 16 U. S. C. 590g-590q.

INTRODUCTION

§ 1103.600 *Introduction.* (a) Through the 1957 Agricultural Conservation Program for the Virgin Islands (referred to in this subpart as the "1957 program"), administered by the Department of Agriculture, the Federal Government will share with farmers in the Virgin Islands the cost of carrying out approved conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared when carried out on a particular farm, and the exact specifications and rates of cost-sharing for such practices, are set forth in this subpart. Any additional information may be obtained at offices of the Soil Conservation Service located at St. Croix and St. Thomas.

(c) The 1957 program was developed by the ASC State Office, the Director of the Soil Conservation Service of the Caribbean Area, the Forest Service representative having jurisdiction of farm forestry in the Virgin Islands, representatives of the Virgin Islands Corporation, the Director of the U. S. Experiment Station at St. Croix, and representatives of the Government of the Virgin Islands.

GENERAL PROGRAM PRINCIPLES

§ 1103.601 *General program principles.* The 1957 Agricultural Conservation Program for the Virgin Islands has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1957 on the lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing are the minimum required to result in substantially increased performance of needed soil and water conservation practices.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland as a result of drainage. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers otherwise would not perform but which are essential to sound soil and water conservation, the farmers should assume responsibility for the upkeep and maintenance of those practices through their life span.

ALLOCATION OF FUNDS

§ 1103.602 *Allocation of funds.* The amount of funds available for conservation practices under this program is \$12,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1103.617.

SELECTION OF PRACTICES, RESPONSIBILITY FOR TECHNICAL PHASES, AND BULLETINS, INSTRUCTIONS, AND FORMS

§ 1103.603 *Selection of practices.* The practices included in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

§ 1103.604 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of practices 8 through 12 (§§ 1103.648 to 1103.651). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance.

(b) The Forest Service is responsible for the technical phases of practices 4, 5, and 6 (§§ 1103.644 to 1103.646). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practices, and (3) working through the ASC State Office, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

§ 1103.605 *Bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1957 program as it applies to the Virgin Islands, and forms will be available at the ASC State Office at San Juan, Puerto Rico, and at the offices of the Soil Conservation Service at St. Thomas and St. Croix. Persons wishing to participate in this program should obtain all information needed from the offices mentioned in this subpart in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS

§ 1103.606 *Opportunity for requesting cost-sharing.* Each farm operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he con-

siders he needs such assistance in order to permit their performance in adequate volume on his farm.

§ 1103.607 *Prior request for cost-sharing.* (a) Costs will be shared only for those practices for which cost-sharing is requested by the farm operator before performance thereof is started. For practices for which (1) approval was given under the 1956 Agricultural Conservation Program, (2) performance was started but not completed during the 1956 program year, and (3) the ASC State Office believes the extension of the approval to the 1957 program is justified under the 1957 program regulations and provisions, the filing of the request for cost-sharing under the 1956 program may be regarded as meeting the requirements of the 1957 program that a request for cost-sharing be filed before performance of the practice is started.

(b) Any farm operator who wishes to participate in the 1957 program must file a Cert. Form No. 39-57-V. I., Declaration of Intention, Request for Inspection, Certification of Conservation Needs, and Notice of Approval, on or before June 30, 1957. In cases of hardship, such date may be extended by the ASC State Office. These forms may be obtained and filed at any of the offices of the Soil Conservation Service (SCS), offices of the Extension Service, and Farmers Home Administration at St. Croix or St. Thomas.

§ 1103.608 *Method and extent of approval.* The ASC State Office will determine the extent to which Federal funds will be made available to share the cost of each approved practice on each farm, taking into consideration the available funds, the conservation problems of the individual farm and other farms, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1957. Prior approval of the ASC State Office is required for all practices. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices.

§ 1103.609 *Initial establishment or installation of practices.* (a) Federal cost-sharing may be authorized under the 1957 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1957 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed, if all of the following conditions exist:

(1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(3) The ASC State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

(b) With normal upkeep and maintenance, all practices included in this subpart, if carried out under the 1954 or a subsequent program, would not have served their life spans by the end of the 1957 program year. Accordingly, cost-sharing for reestablishment or replacement of these practices may be authorized only under the conditions set forth in this section.

§ 1103.610 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

PRACTICE COMPLETION REQUIREMENTS

§ 1103.611 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1103.612 and 1103.613, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1103.612 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1957 program year, if the ASC State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with the applicable specifications and program provisions.

§ 1103.613 *Practices involving the establishment or improvement of vegetative cover.* Costs for practices involving the establishment or improvement of vegetative cover may be shared even though a good stand is not established, if the ASC State Office determines, in accordance with standards approved by the ASC State Office, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm operator. The ASC State Office may require as a condition of cost-sharing in such cases that the area be reseeded or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

FEDERAL COST-SHARES

§ 1103.615 *Practices carried out with State or Federal aid.* The total extent

of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the ASC State Office determines was furnished by a State or Federal agency. Materials or services furnished through the program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1103.616 *Division of Federal cost-shares.* (a) *Federal cost-shares.* The Federal cost-share shall be credited to the person who carried out the practices by which such Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (Part 1108 of this chapter).

§ 1103.617 *Increase in small Federal cost-shares.* The sum of the Federal cost-shares computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to \$0.71 or less shall be increased to \$1.

(b) Any Federal cost-share amounting to more than \$0.71, but less than \$1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
\$1 to \$1.99	\$0.40
\$2 to \$2.99	.80
\$3 to \$3.99	1.20
\$4 to \$4.99	1.60
\$5 to \$5.99	2.00
\$6 to \$6.99	2.40
\$7 to \$7.99	2.80
\$8 to \$8.99	3.20
\$9 to \$9.99	3.60
\$10 to \$10.99	4.00

Amount of cost-share computed—Continued	Increase in cost-share
\$11 to \$11.99	\$4.40
\$12 to \$12.99	4.80
\$13 to \$13.99	5.20
\$14 to \$14.99	5.60
\$15 to \$15.99	6.00
\$16 to \$16.99	6.40
\$17 to \$17.99	6.80
\$18 to \$18.99	7.20
\$19 to \$19.99	7.60
\$20 to \$20.99	8.00
\$21 to \$21.99	8.40
\$22 to \$22.99	8.80
\$23 to \$23.99	9.20
\$24 to \$24.99	9.60
\$25 to \$25.99	10.00
\$26 to \$26.99	10.40
\$27 to \$27.99	10.80
\$28 to \$28.99	11.20
\$29 to \$29.99	11.60
\$30 to \$30.99	12.00
\$31 to \$31.99	12.40
\$32 to \$32.99	12.80
\$33 to \$33.99	13.20
\$34 to \$34.99	13.60
\$35 to \$35.99	14.00
\$36 to \$36.99	14.40
\$37 to \$37.99	14.80
\$38 to \$38.99	15.20
\$39 to \$39.99	15.60
\$40 to \$40.99	16.00
\$41 to \$41.99	16.40
\$42 to \$42.99	16.80
\$43 to \$43.99	17.20
\$44 to \$44.99	17.60
\$45 to \$45.99	18.00
\$46 to \$46.99	18.40
\$47 to \$47.99	18.80
\$48 to \$48.99	19.20
\$49 to \$49.99	19.60
\$50 to \$50.99	20.00
\$51 to \$51.99	20.40
\$52 to \$52.99	20.80
\$53 to \$53.99	21.20
\$54 to \$54.99	21.60
\$55 to \$55.99	22.00
\$56 to \$56.99	22.40
\$57 to \$57.99	22.80
\$58 to \$58.99	23.20
\$59 to \$59.99	23.60
\$60 to \$185.99	24.00
\$186 to \$199.99	(*)
\$200 and over	(*)

* Increase to \$200.

* No increase.

§ 1103.618 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1957 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of \$1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of \$10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1957 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1103.619 *Persons eligible to file application.* Any persons who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved

conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1103.620 Time and manner of filing application and required information.

(a) It shall be the responsibility of persons participating in the program to submit to the SCS Work Unit Offices on the Islands forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the SCS Work Unit Offices on the Islands and making copies available to the press. Other means of notification, including individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the SCS Work Unit Offices on the Islands not later than February 28, 1958, except that the ASC State Office may accept an application filed after February 28, 1958, but not later than December 31, 1958, in cases where the failure to timely file was not the fault of the applicant. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the SCS Work Unit Office within the applicable time limit.

(c) If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he does so on or before December 31, 1958.

§ 1103.621 Appeals. (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Of-

fice shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided*, That the Secretary, upon the recommendation of the Administrator, ACPS, and the ASC State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1103.623 Compliance with regulatory measures. Persons who carry out conservation practices under the 1957 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

§ 1103.624 Maintenance of practices. The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1957 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1103.625 Practices defeating purposes of programs. If the ASC State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1957 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1957 program.

§ 1103.626 Depriving others of Federal cost-shares. If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise

would be due him under the 1957 program.

§ 1103.627 Filing of false claims. If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1957 program and shall refund all amounts that may have been paid to him under the 1957 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1103.628 Federal cost-shares not subject to claims. Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1103.629, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1103.629 Assignments. Any person who may be entitled to any Federal cost-share under the 1957 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1957, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1103.633 Definitions. For the purposes of the 1957 program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Virgin Islands.

(d) "ASC State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(f) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the ASC State Office determines is operated by the same person as part

of the same unit in producing livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land, and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. Notwithstanding any limitation in this paragraph concerning the type or use of land, a farm may include or may consist entirely of woodland which is being operated for the production and sale of forest products. A farm shall be regarded as located in the municipality in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(g) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, an erosion hazard to the community.

(h) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Program year" means the period from August 1, 1956, through December 31, 1957.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1103.635 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g-590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957.

§ 1103.636 *Availability of funds.* (a) The provisions of the 1957 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purposes; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1957 program will not be available for paying Federal cost-shares for which applications are filed in the SCS Work Unit Offices after December 31, 1958.

§ 1103.637 *Applicability.* (a) The provisions of the 1957 program contained

in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (6) of this section, and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPs; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1103.640 *Concurrent operation of 1956 and 1957 Agricultural Conservation Programs.* The practices, specifications, and rates of cost-sharing included in this subpart are applicable to practices carried out on or after January 1, 1957. The practices, specifications, and rates of cost-sharing contained in the 1956 Agricultural Conservation Program for the Virgin Islands are applicable to practices carried out on or before December 31, 1956.

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

§ 1103.641 *Practice 1: Initial establishment of permanent pasture for erosion control by seeding, sodding, or sprigging perennial grasses or other approved forage plants.* Federal cost-sharing will be allowed for planting any of the following grasses, or similar approved grasses or forage plants: Guinea, Molasses, Para, Barbados, Bermuda, Sour Palum, St. Augustine, Merker, Pangola. The varieties of grass must be well adapted to conditions of the particular area to be planted. The land must be

properly prepared by plowing, harrowing if necessary, furrowing along contour lines, and sufficient quantities of slips, cuttings, or seeds used to assure a good ground cover at maturity. Where pasture is established by using seed, the rate of seeding should be not less than 12 pounds per acre. Where pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope, the plantings and cultivating must be as nearly as practicable along contour lines. Federal cost-sharing for carrying out this practice is limited to not more than 10 acres on any farm, as defined in § 1103.633 (f).

Maximum Federal cost-share, \$4.50 per acre.

§ 1103.642 *Practice 2: Initial eradication of hurricane grass for establishing permanent pasture for erosion control.* The eradication must be carried out by plowing or disking the whole area along contour lines, where practicable, to a depth of at least 6 inches and double cutting with a heavy disk harrow at least twice at 30-day intervals. Permanent pasture of the varieties specified in § 1103.641 (practice 1) must be established as soon as practicable after the hurricane grass has been eradicated. Federal cost-sharing for carrying out this practice is limited to not more than 10 acres on any farm, as defined in § 1103.633 (f).

Maximum Federal cost-share, \$3.00 per acre.

§ 1103.643 *Practice 3: Initial eradication of shrubs or trees for establishing new permanent pasture for erosion control.* Federal cost-sharing will be allowed for eradicating any of the following shrubs or trees: Acacia, Soap Brush, Kanapp (Kenep), Guava, Logwood, Marigold, Wild Cedar, Ginger Thomas, all varieties of Cactus, Sage, Tan Tan, Thibet (Tebit). All shrubs or trees, except such as can be used for timber or shade, must be thoroughly uprooted either by hand labor or mechanical implements, and all shrubs, trees, and roots must be removed from the land or may be burned thereon. Permanent pasture of the varieties specified in § 1103.641 (practice 1) must be established as soon as practicable. Temporary use of the land for other crops may be permitted where the ASC State Office determines this is essential to establishing the grasses. Farmers must obtain prior approval from the ASC State Office of the area and acreage to be cleared before starting the practice. Federal cost-sharing for carrying out this practice is limited to not more than 10 acres on any farm, as defined in § 1103.633 (f). This practice is applicable only to St. Thomas and St. John Islands.

Maximum Federal cost-share, (a) \$4.00 per acre on land with light growth where the shrubs or trees cover up to 30 percent of the area.

(b) \$7.00 per acre on land with medium growth where the shrubs or trees cover more than 30 percent and up to 60 percent of the area.

(c) \$10.00 per acre on land with heavy growth where the shrubs or trees cover more than 60 percent of the area.

§ 1103.644 *Practice 4: Initial establishment of a stand of adapted trees on farmland for farm woodlots, erosion control, or for forestry purposes.* The trees must be planted, regardless of the slope of the land, in rows not less than 10 feet apart, with a distance of not less than 10 feet within the row. Only those trees which are living at least 1 year after planting will be counted. All plantings must be protected from fire and grazing.

Maximum Federal cost-share. \$0.05 per tree.

§ 1103.645 *Practice 5: Initial establishment of a stand of adapted trees on strips which have been cleared in areas of heavy brush, for erosion control and forestry purposes.* All brush on the strips must be uprooted and the brush removed from the spaces where the trees are to be planted. The trees must be planted on the strips cleared in this manner, and spaced not more than 10 feet apart. All plantings must be protected from fire and grazing. Federal cost-sharing will be allowed only for well-established trees, approximately 1 foot high and living at the time of inspection, and for not more than 200 trees per acre.

Maximum Federal cost-share. (a) For clearing strips 3 feet wide at intervals of 20 feet—\$3.00 per acre.

(b) Planting trees such as mahogany or varieties suitable for timber, recommended by the Forest Service—\$0.05 per tree.

§ 1103.646 *Practice 6: Initial establishment of a stand of fruit trees for erosion control and/or for windbreaks.* For erosion control, trees must be planted on the contour and be protected from fire and grazing. A permanent cover of grass, legumes, or mulch must be maintained under the trees. For windbreaks, the trees must be planted in such a pattern as to constitute an effective barrier against the prevailing winds. They must afford protection for adjacent areas which are devoted to agricultural purposes. Federal cost-sharing will be allowed for not more than 200 trees on a farm.

Maximum Federal cost-share. \$0.10 per tree.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

§ 1103.647 *Practice 7: Construction of permanent cross fences to obtain better distribution and control of livestock grazing and to promote proper grassland management for protection of the forage resources.* Federal cost-sharing will be allowed only for new fences constructed entirely of new materials. Federal cost-sharing will not be allowed for the repair, replacement, or maintenance of existing fences. To qualify for cost-sharing, fences must have pasture or range land on both sides of the fence.

Maximum Federal cost-share. (a) If fences are established with barbed wire—\$2.20 per 100 linear feet. Hardwood or living tree posts or steel posts shall be used. Posts must be spaced not more than 6 feet apart with corner posts adequately braced. Four strands of

No. 12½ standard gauge or heavier barbed wire must be used and tightly stretched.

(b) If fences are established with woven wire—\$3.00 per 100 linear feet. Hardwood or living tree posts or steel posts shall be used. The posts must be spaced not more than 10 feet apart with corner posts adequately braced. The woven wire must be not less than 4 feet high with a top and bottom strand of No. 10 standard gauge wire and of 12½ standard gauge in all intermediate wires, and with stay wires 12 inches apart. The woven wire must be tightly stretched.

§ 1103.648 *Practice 8: Constructing wells for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting vegetative cover.* The wells should be constructed or drilled in an area of the farm where the providing of water will contribute to a better distribution of grazing. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate storage facilities and drinking troughs for animals also must be provided. No Federal cost-sharing will be allowed for wells constructed or drilled primarily for the use of farm headquarters nor unless an adequate supply of water is obtained.

Maximum Federal cost-share. (a) Constructing dug wells lined with stone—\$3.25 per cubic yard of well dug. The wells must have a minimum diameter of not less than 8 feet, including the stone lining, which must have a thickness of not less than 12 inches.

(b) Drilling wells:

(1) \$1.00 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

(2) \$2.00 per linear foot of well for wells having a bore taking a casing of 4 inches or more but less than 6 inches in diameter, excluding artesian wells.

(3) \$3.00 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

§ 1103.649 *Practice 9: Installing pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting vegetative cover.* Federal cost-sharing will be allowed when the pipeline carries the water to areas where no other water supply for livestock is available and proper drinking troughs for livestock have been provided; and where the pipe used is new galvanized or comparable pipe meeting the following minimum specifications.

STANDARD GALVANIZED PIPE

Size (Inches)	Diameters		Thickness	Weight per foot		Threads per inch
	External	Internal		Plain ends	Threads and couplings	
¾	1.050	0.824	0.113	1.130	1.134	14
1	1.315	1.049	0.133	1.678	1.684	11½
1¼	1.660	1.380	0.140	2.372	2.281	11½
1½	1.900	1.610	0.145	2.717	2.731	11½
2	2.375	2.067	0.154	3.652	3.678	11½
2½	2.875	2.469	0.203	5.793	5.819	8
3	3.500	3.068	0.216	7.575	7.614	8
3½	4.000	3.548	0.226	9.100	9.202	8

The pipe will be buried sufficiently deep to prevent damage by farm machinery where crossings are needed.

Maximum Federal cost-share. (a) \$0.10 per linear foot when galvanized pipes of from ¾ to 1 inch diameter are used.

(b) \$0.15 per linear foot when galvanized pipes of from 1¼ to 1½ inches diameter are used.

(c) \$0.25 per linear foot when galvanized pipes of 2 inches or more diameter are used.

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

§ 1103.650 *Practice 10: Constructing concrete or rubble masonry storage tanks for accumulating water for livestock or for irrigation.* (a) Storage tanks must be constructed in places where the accumulated water may be piped to areas of the farm where the providing of water will contribute to a better distribution of grazing livestock, improvement of the pasture management, or the conservation of soil resources, and must conform to the following minimum specifications.

(1) *Concrete storage tanks.* Concrete storage tanks will be constructed to conform to plans and specifications approved by Soil Conservation Service engineers. Since the size and shape of these structures will necessarily vary greatly to meet local requirements, detailed plans must be prepared and ap-

proved before construction is begun. Construction and installation will conform to Technical Specifications for Class B concrete as prepared by the Soil Conservation Service. These specifications may be obtained from the local Soil Conservation Service office.

(2) *Rubble masonry tanks.* Walls will have a minimum top width of 12 inches and will have a batter of 1 inch per foot height on both faces. Bottom will be excavated as nearly level and smooth as practicable to a firm foundation. A minimum of 2 inches of mortar will be poured in the bottom and the stone bedded firmly in the mortar. Stone used in paving will be at least 6 inches thick. All joints, cracks, and voids will be filled with mortar when the floor is constructed. It is recommended that the inside of tanks, floor, and walls be plastered to insure watertightness and facilitate cleaning. Where reinforced concrete bottoms are used, specifications for bottom of concrete tanks will be prepared by SCS engineers. In this case, the floor and footings for wall support will be poured as one continuous slab.

(1) *Mortar.* The mortar mix shall consist of one part by volume of cement to three parts of clean, well-graded sand. Sand and cement shall be thoroughly mixed dry, after which only sufficient

water shall be added to produce a workable mixture. This should be not more than 5½ gallons per sack of cement, this to include free water in the sand.

(ii) *Stone.* Stone should be clean, hard, and free from decomposed or foreign materials. The use of weathered stone or stone with a deteriorated outer surface is prohibited.

(iii) *Placing.* All stone should be thoroughly cleaned and wetted before being used. All stone should be laid so as to break joints. Stratified stone should be laid on its natural bed and not on edge. All space between stone must be filled with mortar. No dressing or tooling shall be done upon any stone after it is in place.

(iv) *Curing.* During construction and for at least 7 days after completion, the new structure should be covered with wet burlap or similar material that will keep

the masonry in a moist condition during its curing period.

(b) Whenever needed, adequate pumping equipment and drinking troughs for animals must be installed. No Federal cost-sharing will be allowed for maintaining an existing structure.

Maximum Federal cost-share. (a) \$12.00 per cubic yard of concrete structure.

(b) \$7.00 per cubic yard of rubble masonry structure.

§ 1103.651 *Practice 11: Constructing rock barriers to form bench terraces or to obtain or control the flow of water and check erosion on sloping land.* (a) The construction of bench terraces supporting rock barriers is limited by the slope of the field and the depth of the soil. No Federal cost-sharing will be allowed on slopes exceeding 60 percent. Minimum specifications for different slopes and soil depths required are given in the following table.

Slope of land (percent)	Minimum soil depth (feet)	Vertical interval (feet)	Lateral spacing (feet)	Required height of rock wall (feet)	Minimum base width of wall (inches)	Batter on exposed face (inches per foot high)
10 or less	1.5	1.5	15.0	2.5	18	3
11 to 15	2.0	2.0	13.3	3.0	21	3
16 to 20	2.25	2.25	12.5	3.5	23	3
21 to 25	2.5	2.5	12.0	4.0	24	3
26 to 30	2.75	2.75	11.6	4.5	26	3
31 to 35	3.0	3.0	11.4	5.0	27	3
36 to 40	3.25	3.25	11.2	5.5	29	3
41 to 45	3.5	3.5	11.0	6.0	30	3
46 to 50	3.5	3.5	10.0	6.0	30	3

(b) Rock barriers must be laid out or their layout approved by a Soil Conservation Service technician. They must be on the contour or across the slope with grade from ridge to or toward the natural drainageway of not more than 0.5 percent. Bench terraces must conform to and become a part of the overall water disposal system. Protected water disposal channels and/or structures must be provided prior to the construction of bench terraces. A water disposal trench must be established on each terrace at the base of the next higher rock barrier. This trench should be at least 6 inches deep and 1 foot wide with a maximum grade of 0.5 percent to the protected outlet. The top of the terrace must have a grade of from 0.2 percent to 0.5 percent from the outer edge toward the disposal trench at the base of the next higher barrier. When the Soil Conservation Service technician determines it necessary, a diversion ditch must be constructed above the bench terraces to intercept surface runoff from the area above.

Maximum Federal cost-share. \$1.50 per cubic yard of rock used.

§ 1103.652 *Practice 12: Subsoiling to permit better penetration of water.* Federal cost-sharing will be allowed for subsoiling cropland and pastureland to a depth that will effectively shatter the hardpan to permit better water penetration. To qualify for cost-sharing, subsoiling must be performed to a minimum depth of 14 inches, and a maximum spacing interval of 4 feet. On sloping land, subsoiling must be done following the approximate contours. Subsoiling should be performed when the soil is dry so that

maximum fracture of the hardpan results. Applicable only to land which the Soil Conservation Service determines can be benefited by subsoiling. Adequate implements must be used. A moldboard plow will not qualify. Cost-sharing is limited to the rate times the acres subsoiled regardless of the number of operations on the same acreage. These specifications and rates of cost-sharing are applicable when this practice is carried out on or after January 1, 1957.

Maximum Federal cost-share. \$2.00 per acre subsoiled.

Done at Washington, D. C., this 6th day of November 1956.

[SEAL]

E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 56-9275; Filed, Nov. 9, 1956; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

PROMOTIONS

In Part 861, §§ 861.21 to 861.27 are rescinded and the following substituted therefor:

Sec.

861.21 Purpose.

861.22 Eligibility requirements.

861.23 Officers released before completion of required promotion service.

861.24 Authority to promote.

861.25 Procedure for members of the Air National Guard of the United States.

Sec.

861.26 Promotion orders.

861.27 Entries required.

AUTHORITY: §§ 861.21 to 861.27 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 514, 68 Stat. 1176; 50 U. S. C. 1344.

DERIVATION: AFR 36-68, August 15, 1956.

§ 861.21 *Purpose.* Sections 861.21 to 861.27 explain how Reserve of the Air Force Officers receive permanent promotions based on their service in higher temporary grades.

§ 861.22 *Eligibility requirements.* To be eligible for promotion under §§ 861.21 to 861.27, an officer on extended active duty must:

(a) Be serving on active duty in a temporary grade higher than his Reserve of the Air Force grade.

(b) Complete, in his present Reserve of the Air Force grade, at least the following number of years of service:

For promotion to grade of:	Minimum number of years
Captain	2
Major	4
Lieutenant Colonel	4
Colonel	3

Note: Promotion to first lieutenant is not authorized under §§ 861.21 to 861.27.

(c) Have been promoted to the higher temporary grade under a general selection board procedure, except as provided for in § 861.23.

(d) Apply, through channels, to the appropriate promoting authority shown in § 861.24. He will not apply earlier than the date he completes the minimum number of years of promotion service specified in paragraph (b) of this section.

§ 861.23 *Officers released before completing required promotion service.* (a) A Reserve of the Air Force Officer serving on active duty in a temporary grade higher than his permanent grade, who was promoted to that temporary grade under any procedure and is released from active duty before completing the promotion service in grade specified in § 861.22 (b), will retain that temporary grade.

(b) After completing the prescribed promotion service in grade and making application, an officer of the Air Force Reserve will be promoted to the next higher grade without regard to vacancies in that grade if he has maintained an active status.

§ 861.24 *Authority to promote—(a) Of officers on active duty.* (1) Commanders of major air commands are authorized to announce promotions under §§ 861.21 to 861.27. They may delegate this authority to numbered air forces or equivalent command level.

(2) Headquarters USAF will announce promotion of officers not assigned to a major air command, upon their application through channels to the Director of Military Personnel, Attn: Promotions and Separations Division.

(b) *Of officers not on active duty.* Commanders of the appropriate numbered Air Force of the Continental Air Command are authorized to announce

promotion of officers not in the active military service.

§ 861.25 Procedure for members of the Air National Guard of the United States in the active service. An officer of the Air National Guard of the United States in the active service, who meets the requirements of § 861.22, may apply for promotion in the Air National Guard directly to the Adjutant General of the appropriate state, territory, or District of Columbia. The officer will attach to his application a true extract copy of the Air Force order promoting him to the higher temporary grade. The governor or other appropriate authority of the state, territory, or District of Columbia, may promote the officer to fill a vacancy in the state, territory, or District of Columbia, whichever is concerned. If necessary, the vacancy may be specially created.

(a) If the officer is promoted in the Air National Guard he will be extended Federal recognition in the higher grade, effective on the date of his promotion, without the examination prescribed in section 75 of the National Defense Act, as amended (39 Stat. 202; 32 U. S. C. 113), and will be promoted as Reserve of the Air Force effective the date of Federal recognition.

(b) If the officer is not promoted in the Air National Guard of the state, territory, or District of Columbia, whichever is concerned, within 90 days after his application, Federal recognition in his permanent grade will be terminated by the National Guard Bureau. He will then be transferred to the Air Force Reserve and promoted.

§ 861.26 Promotion orders. (a) Orders will be issued and will cite §§ 861.21 to 861.27 as authority. The date the officer applied for promotion, if he was eligible on that date, will be used in the special order as the effective date of the promotion.

(b) Commanders effecting promotions under §§ 861.21 to 861.27 will forward, without delay, to the Director of Statistical Services, Headquarters United States Air Force, Washington 25, D. C., one copy of the promotion order for each officer promoted.

§ 861.27 Entries required. Promotions effected under §§ 861.21 to 861.27 will be entered on the Officer's Military Personnel Record; they will also be entered on the morning report.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56-9262; Filed, Nov. 9, 1956;
8:45 a. m.]

Subchapter G—Personnel

PART 887—APPOINTMENT OF OFFICER PERSONNEL

APPOINTMENT OF OFFICERS IN THE REGULAR AIR FORCE

1. The headnote of Part 887 is revised to read as set forth above and the center heading of §§ 837.1 to 837.10 reads "Ap-

pointment of Medical and Dental Officers in the Regular Air Force".

2. In Part 887, §§ 887.101 to 887.107 are revised to read as follows:

Sec.	
887.101	Purpose.
887.102	Policy.
887.103	Definitions.
887.104	Grade determination.
887.105	Eligibility.
887.106	Periods.
887.107	Application.

AUTHORITY: §§ 887.101 to 887.107 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 70 Stat. 582.

DERIVATION: AFR 36-5, September 13, 1956.

§ 887.101 Purpose. Sections 887.101 to 887.107 establish the eligibility requirements and the procedure for application and appointment of commissioned officers in the Regular Air Force. Sections 887.101 to 887.107 apply to all non-Regular officers (male and female) on extended active duty, who desire to apply for commission in the Regular Air Force, except those persons seeking appointment in the Regular Air Force for the performance of duty as chaplains, judge advocates, doctors, dentists, veterinary officers, nurses, medical specialists, or medical service officers.

§ 887.102 Policy. The policy of the Air Force is to conduct an orderly build-up of the Regular Air Force toward authorized officer strength. This build-up will be accomplished by tendering Regular Air Force appointments to those persons who possess officer qualities, ability, and experience required by the Air Force. Vacancies exist in the Regular officer structure in promotion list service groups. Accordingly, applications will be considered for existing vacancies in promotion list service groups. Appointments will be tendered in the grades of second lieutenant through lieutenant colonel. At the time of appointment, any person, who would be entitled to a permanent grade in the Regular Air Force which is higher than the temporary or Reserve grade in which serving on active duty, is not eligible for appointment under §§ 887.101 to 887.107; this determination will be made by Headquarters USAF. Final selection of applicants will be accomplished by a board of officers at Headquarters USAF. Those applicants considered best qualified to meet the requirements of the Air Force will be selected. Such factors as manner of performance, breadth of experience, type of assignments, technical competence, and any substantiated derogatory information will be evaluated. The recommendations of the Headquarters USAF selection board will be final. However, the President may remove from the recommended list the name of any officer who has been selected for appointment by the Headquarters USAF selection board, but who, in his opinion, is not qualified for appointment.

§ 887.103 Definitions.—(a) *Organization commander.* The commander of the organization to which the applicant is actually assigned for administrative purposes.

(b) *Test control officer.* The officer responsible for administering personnel research tests.

(c) *Major air commander.* The commander responsible for the operation and administration of any organization designated a major air command, who reports directly to the Chief of Staff USAF.

(d) *Regular officer selection test.* The Air Force Personnel Research Test 423 for male or Air Force Personnel Research Test 424 for a female is used to measure certain qualities which are important to success as a commissioned officer.

(e) *Promotion list service credit.* That credit awarded for the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Air Force, eligibility for promotion, and mandatory retirement or elimination under the Officer Personnel Act of 1947, as amended, pursuant to section 8296 of Title 10, United States Code.

(f) *Special effectiveness report.* That special USAF Officer Effectiveness Report (AF Form 77) furnished by the applicant's commander and submitted as part of the application for a Regular Air Force appointment.

§ 887.104 Grade determination.—(a) *Service credit.* For the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Air Force, eligibility for promotion, and mandatory retirement or elimination under the Officer Personnel Act of 1947, as amended, section 8296 of Title 10, United States Code, a person appointed under §§ 887.101 to 887.107 will be credited at the time of his appointment with the active Federal commissioned service in the Armed Forces that he performed after becoming 21 years of age and before his appointment. In addition and for the same purposes, a person appointed under §§ 887.101 to 887.107 may be credited by Headquarters USAF with not more than 2 years of constructive service.

(b) *Permanent grades.* (1) Based on promotion list service credit as outlined in paragraph (a) of this section, commissioned grade of appointment will be as follows:

Promotion list service credit	Grade
Less than 3 years.....	Second lieutenant.
3 but less than 7 years.....	First lieutenant.
7 but less than 14 years.....	Captain.
14 but less than 21 years.....	Major.
21 or more years.....	Lieutenant colonel.

Notwithstanding any other provision of law, no person, who was a cadet at the United States Air Force Academy or the United States Military Academy, or a midshipman at the United States Naval Academy, may be originally appointed in a commissioned grade in the Regular Air Force before the date on which his classmates at that Academy are graduated and appointed as officers. No person, who was enrolled at, but did not graduate from, an Academy, may be credited, upon appointment as a commissioned officer of the Regular Air Force with longer service than that credited to any member of his class at that Academy whose service in the Air Force, or in the Army and the Air Force, has been continuous since graduation.

(2) To prevent loss of seniority among newly appointed Regular officers and to eliminate a delay in promoting those Regular officers already on the promotion list, the appointment of an officer, who is within 6 months of becoming eligible for appointment in the next higher grade in the Regular Air Force at the time of selection, will be delayed until after the date on which he completes the necessary service for appointment in the next higher grade.

(3) The name of each person appointed under §§ 887.101 to 887.107 will be placed on the promotion list immediately below the most junior officer of the same grade who has the same or next greater amount of service credit; and will be awarded the appropriate date of rank in permanent grade.

(c) *Temporary grade.* Appointment in the Regular Air Force will not affect grade or date of rank in temporary grade held by appointee. A Reserve of the Air Force commission or Regular warrant officer appointment will be vacated on the day before the date of execution of oath of office as a Regular Air Force officer. An officer accepting a Regular Air Force appointment, who is serving in his Reserve of the Air Force grade equivalent to or higher than his Regular Air Force grade, will be tendered a temporary United States Air Force appointment in the equivalent or higher grade with no change in current active duty date of rank.

§ 887.105 *Eligibility.* Each person applying under §§ 887.101 to 887.107 must meet the eligibility requirements contained in paragraphs (a) through (g) of this section. Waivers are not authorized, except as provided for in paragraphs (b) and (c) (3) of this section.

(a) *Current status.* An applicant must hold a valid appointment as a Reserve of the Air Force officer or USAF temporary officer, and must be serving as a commissioned officer in the active military service. In the event that an officer's established date of separation occurs before receipt of appointment, he may apply for indefinite active duty status, or, he may, upon approval of his organization commander, sign a specified period of time contract extending his date of separation until June 30, 1958, unless sooner released from extended active duty for the convenience of the Government. A person, released from active duty for any reason after submission of application, will no longer be considered for a Regular Air Force appointment.

(b) *Age.* At the time of application, an applicant may not exceed the age of 30 years by more than the number of years, months, and days he has served on active duty as a commissioned officer in the Armed Forces of the United States. An applicant may request, in writing, a waiver of the age limitation. Such waiver will be subject to final approval by the Secretary of the Air Force. However, no person may be appointed if he exceeds the age which would permit him to complete 20 years of active Federal commissioned service before he attains his 55th birthday. The Regular appointment of any person selected, who is

under 21 years of age, will be withheld until after he has reached his 21st birthday.

(c) *Education.* (1) While not mandatory, a baccalaureate degree is desirable, particularly in the fields of engineering, the basic sciences, or management or its related fields. At time of application, an applicant must have been granted a minimum of 60 semester hours (90 quarter hours) credit toward a baccalaureate degree from a college or university listed by the Office of Education, United States Department of Health, Education, and Welfare, in part 3 of the Education Directory, Higher Education, published annually, or Accredited Higher Institutions, as having either:

- (i) Nationwide accreditation.
- (ii) Regional accreditation.
- (iii) Accreditation by a national professional association.
- (iv) Unconditional admission to the graduate school of a State university, or
- (v) Full transfer credit to a State university.

(2) An applicant, whose credits are from a college or university which does not meet the criteria outlined in subparagraph (1) of this paragraph, will be considered as meeting the educational requirement, provided that he obtains a written statement from any nationally or regionally accredited college or university indicating that a sufficient number of his credits are acceptable for admission to at least full junior standing.

(3) An applicant may request, in writing, waiver of the requirements in subparagraphs (1) and (2) of this paragraph. Such waiver will be subject to final approval by Headquarters USAF.

(d) *Citizenship.* An applicant must be a citizen of the United States. An applicant, who is not a citizen by birth, must furnish a certificate by an officer, notary public, or any other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original Certificate of Citizenship Number _____ (or certified copy of court order establishing citizenship) stating that

_____ (Full name) was admitted to United States citizenship by the _____ Court of _____

_____ (District or county) _____ on _____

_____ (State) _____ (Date) The following person was named in the certificate as a minor child: _____ age _____

_____ (Full name)

NOTE: Facsimiles or copies, photographic or otherwise, will not be made of naturalization certificates under any circumstances. Act June 25, 1948 (62 Stat. 767; 18 U. S. C. 1426 (h)) provides that "whoever, without lawful authority, prints, photographs, makes or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

(e) *Medical.* An applicant must be medically qualified. Standard Form 88, "Report of Medical Examination," and Standard Form 89, "Report of Medical

History," will not be submitted with the application, but will be requested before appointment.

(f) *Background.* An applicant must be of such background, character, and reputation to insure that his appointment into the Regular Air Force would be clearly consistent with the interests of the Air Force. Each applicant selected for appointment must be the subject of a favorable National Agency Check before the date of official tender of appointment. Any person, who is or has been a conscientious objector, may not be commissioned in the Regular Air Force.

(g) *Dependents.* A male applicant is not restricted with regard to dependents. However, a female applicant, who is the parent by birth or adoption of a child under 18 years of age of whom she has personal or legal custody; is the step-parent of a child under 18 years of age and the child is within her household for a period of more than 30 days a year; or has or assumes personal custody of any child under 18 years of age, may not be appointed.

§ 887.106 *Periods.*—(a) *Probationary period.* The appointment of any person under §§ 887.101 to 887.107 is probationary for 3 years and may be revoked by the Secretary of the Air Force at any time before the third anniversary of the acceptance of such appointment.

(b) *Application period.* An application may be submitted during the period October 15, 1956 to March 14, 1957. An application submitted after March 14, 1947 will be returned by the organization commander to the applicant. An application submitted under §§ 887.101 to 887.107 will remain valid until a new application period is announced by Headquarters USAF.

§ 887.107 *Application.* An applicant must comply with the following instructions:

(a) *Submitting application.* (1) Applications should be submitted at the earliest possible date, in the following manner:

(i) A person, who is not on orders for change of station assignment, will submit his application directly to his organization commander.

(ii) A person, who receives permanent change of station orders during the established application period, will submit application to his unit of assignment before departure on permanent change of station. If necessary processing action by the organization commander cannot be accomplished before permanent change of station, the application will then be submitted to the commander of his new unit of permanent assignment.

(iii) A person, who is in a permanent change of station status on opening date of application period, will submit application to his new unit of permanent assignment.

(iv) A person, who is on temporary duty of such duration which will preclude complete action on his application after return from temporary duty, will submit application to the commander of his temporary duty station.

(2) A complete application will consist of the following documents:

(i) Two copies of AF Form 17, "Application for Appointment in the Regular Air Force."

(ii) Original or photostat of authenticated transcripts substantiating education, or, if applicable, a written statement from any nationally or regionally accredited college or university, indicating that a sufficient number of his credits are acceptable for admission to at least full junior standing, or a written request for waiver of educational requirement.

(iii) Certificate from an officer verifying citizenship by naturalization as required in § 887.105 (d), if applicable.

(iv) Five copies of DD Form 398, "Statement of Personal History," and one completed FBI Applicant Fingerprint Card, if the applicant has not been the subject of a favorable National Agency Check or complete background investigation during current tour of active duty.

(v) DD Form 98, "Loyalty Certificate for Personnel of the Armed Forces."

(vi) AF Form 1475, "Certificate of Active Federal Commissioned Service After Age 21." This certificate will be prepared by the applicant and service should be computed as of December 31, 1957.

(vii) Any other papers or statements considered relevant by the applicant.

(viii) Written request for waiver of age, if applicable.

(b) *Testing.* An officer, who has 5 or more years of active Federal commissioned service as of December 31, 1957, need not be tested. An applicant, who has less than 5 years' active Federal commissioned service as of December 31, 1957, will report for testing at the designated time and place, or make prior arrangements which are satisfactory to the appropriate commander.

(c) *Distinguished graduates.* An applicant, who has been designated a Distinguished Aviation Cadet graduate, Distinguished Officer Candidate graduate, or Distinguished Air Force ROTC graduate, should attach to his application a copy of the letter designating him as such, to insure that special consideration is given for such achievement.

(d) *Change of address.* The military address furnished on the application will be used for contacting an applicant. The applicant must give immediate notice to the Director of Personnel Procurement and Training, Headquarters USAF, Attention: AFPTR-P-3A, Washington 25, D. C., of any permanent change of address between submission of application and notification of final action.

(e) *Replying to communications.* An applicant, who does not promptly reply to and/or comply with all communications and instructions regarding his application and testing, will be considered as being no longer interested in a Regular commission and his application will be considered abandoned.

(f) *Returning application.* Application and supporting documents, which are forwarded to Headquarters USAF, will not be returned to an applicant, except as provided for in paragraph (g) of this section.

(g) *Withdrawing application.* A person may withdraw his application at any

time before acceptance of a Regular appointment by submitting a written request to the major air command to which assigned. If major air command of assignment is not the command responsible for processing the application, the request will be forwarded to the command having such responsibility. If necessary, the request for withdrawal will be forwarded to Headquarters USAF.

(h) *Compromising test questions.* An applicant must not discuss the contents of the Regular Officer Selection Test after its completion. Since officers are selected for Regular appointments on a competitive basis, any applicant who has advance information concerning test questions will be at a decided advantage over all other applicants.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56-9261; Filed, Nov. 9, 1956; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

PART 202—OPTICS AND METROLOGY

MISCELLANEOUS AMENDMENTS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from the date of publication in the FEDERAL REGISTER.

1. Section 202.404 *Steel tapes*, is amended by the revision of items a, b, e, and h to read as follows:

Item	Description	Fee
202.404a	Steel tape—determination of correction to the total length of the tape when supported throughout at standard tension and at standard temperature, for each 200 feet or 50 meters or fraction thereof. This is the regular standard test which will be made and charged for in each case, to determine whether or not the tape is entitled to certification. To this amount must be added the fees for any additional tests made, and for item (h), if applicable in accordance with the following schedule.	\$9.50
202.404b	Steel tape—determination of correction to the total length when supported throughout at any tension other than standard tension, for each 200 feet or 50 meters or fraction thereof. Tension desired must be specified.	1.00
202.404c	Steel tape—determination of correction to the total length of a subinterval under the same conditions as to tension, and points of support as for total length. The points at which these measurements are made must be points at which the tape is supported. The Bureau is not prepared to test tapes supported at points more than 200 feet or 50 meters apart.	1.00
202.404h	Steel tape—determination of correction to a subinterval at the tension at which the correction to the total length is most nearly zero and under the conditions of support used in the test under item (g).	1.00

2. Section 202.406 *Surveyors measuring instruments (other than tapes)* is amended by the revision of item a to read as follows:

Item	Description	Fee
202.406a	Leveling rod—testing principal interval.	\$17.00

3. Section 202.407 *Sieves* is amended to read as follows:

Item	Description	Fee
202.407a	Sieve—test of a sieve, No. 2½ to No. 400 inclusive, to determine conformity to specification, but not including the sieving test.	\$6.00
202.407x	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

4. Sections 202.500 to 202.504 under the centerhead "Gages" are revised to read as follows:

GAGES

§ 202.500 *General.* (a) (1) Test fee schedules in §§ 202.501 to 202.504 include a statement of the relative accuracy to which measurements are ordinarily made. However, if the character of the defining surface of a gage or other article is not such as to warrant the certification to this accuracy, the report will show the accuracy actually obtained. If a greater accuracy is requested and the defining surfaces are such as to permit measurements to the accuracy requested, the necessary measurements will be made and a special fee will be charged. All gage blocks submitted for test should be in substantially new block condition.

(2) In addition to the items covered by §§ 202.501 to 202.504 other items such

as gage block accessories, angle gage blocks, taper plug and ring gages, and gill net gages are occasionally calibrated. Other sizes of the items listed in the fee schedules are also calibrated on special request. These tests and calibrations are made so infrequently that it is not practical to list a definite fee, and such work will be done on the basis of the cost of fulfilling the individual purchase order.

(b) In the shipment of gages, extreme precautions should be taken both against corrosion and damage by contact with other gages during transit. All defining steel surfaces should be greased and protected with waxed paper or a suitable strippable plastic coating. A greased steel surface coming in contact with newspaper, wrapping paper (unwaxed) or excelsior is very likely to corrode. Sets of gage blocks should have packing

§ 202.503 Thread plug and ring gages.

Item	Description	Fee
202.503a	Straight thread plug gages and setting thread plug gages—determination of angle to 2° to 8° depending on pitch, lead error, and pitch diameter to 0.0001", major diameter to 0.0002", thread form as to clearance, for sizes up to and including 1", major diameter to 0.0002", for sizes up to 1" to 2", 2° to 8°, and 3° to 8° depending on pitch, lead error to 0.0001", minor diameter to 0.0002", thread form as to clearance, and fit on setting plug, for sizes 1/4" to 1", each.	\$15.00
202.503b	Straight thread ring gages—determination of angle to 2° to 8° depending on pitch, lead error to 0.0001", minor diameter to 0.0002", thread form as to clearance, and fit on setting plug, for sizes 1/4" to 1", each.	15.00
202.503c	Taper thread plug gages (except A. P. I. Cable and Rotary gages)—determination of half angles to 3° to 10° depending on pitch, lead error, pitch diameter and taper to 0.0001", major diameter to 0.0002", and thread form as to clearance, for sizes up to and including 10", each.	40.00
202.503d	Taper thread ring gages—determination of half angles to 3° to 10° depending on pitch, lead error and taper to 0.0001", major diameter to 0.0002", and thread form as to clearance, for sizes from 10" to 24", inclusive, each.	50.00
202.503e	Taper thread ring gages (except A. P. I. Cable and Rotary gages)—determination of angle to 3° to 10° depending on pitch, lead error to 0.0001", taper to 0.0002", minor diameter to 0.0003" (or truncation of thread crest), thread form as to clearance, and standard form making plug to 0.001", for sizes up to 24", each.	30.00
202.503f	A. P. I. Cable and Rotary taper thread gages—determination of half angles of thread to 3°, lead error, pitch diameter and taper to 0.0001", major diameter to 0.0002", thread form as to clearance, and standard form making plug to 0.001", for sizes up to 24", each.	60.00
202.503g	A. P. I. Cable and Rotary taper thread ring gages—determination of half angles of thread to 3°, lead error to 0.00012, taper to 0.0002", minor diameter to 0.0003", thread form as to clearance, and standard form making and grand master plug to 0.0005", for sizes up to 6 1/4", each.	40.00
202.503h	A. P. I. Cable and Rotary tool joint gages—determination of mating standoff and standard from grand master gages, per set.	15.00
202.503i	A. P. I. sucker rod plug gages designated as P1, P2, B2, and B6—determination of dimensions specified in API Std. No. 11 B, each.	16.00
202.503j	A. P. I. sucker rod plug gages designated as P3 and B4—determination of dimensions specified in API Std. No. 11 B, each.	30.00
202.503k	A. P. I. sucker rod ring gages designated as P2, P3, B1 and B5—determination of dimensions specified in API Std. No. 11 B, each.	16.00
202.503l	A. P. I. sucker rod ring gages designated as P4 and B3—determination of dimensions specified in API Std. No. 11 B, each.	25.00
202.503m	A. P. I. sucker rod gages—determination of dimensions specified in API Std. No. 11 B for the inspection of used gages, per set of any size.	75.00
202.503n	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.504 Instruments and components.

Item	Description	Fee
202.504a	Micrometer calipers—determination of errors at 10 points selected to test uniformity of graduations as well as lead errors. Also determination of flatness and parallelism errors of contact surfaces, each.	\$25.00
202.504b	Dial micrometers—determination of errors in each 1/4 revolution of the pointer for 1 revolution and each half revolution up to 5 revolutions, each.	15.00
202.504c	Thread wires—determination of diameter, straightness, and roundness of each of 3 wires in a set in accordance with specifications for wires in Handbook H28, Screw Thread Standards for Federal Services, and certification of mean diameter and C correction on an approved type of container label supplied by the manufacturer. For the following best sizes of wires for standard 60° screw threads: 2, 2 1/2, 3, 3 1/2, 4, 4 1/2, 5, 5 1/2, 6, 7, 7 1/2, 8, 9, 10, 11, 11 1/2, 12, 13, 14, 15, 16, 18, 20, 22, 24, 26, 27, 28, 30, 32, 36, 40, 44, 48, 50, 56, 64, 72, and 80 threads per inch; the following best sizes for acute standard threads: 1, 1 1/4, 1 1/2, 2, 2 1/4, 3, 4, 5, 6, 8, 10, 12, 14, and 16 threads per inch; the following 1.44 series internal gear wires: 2, 3, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 36, 40, 44, 48, 50, 56, 64, 72, and 80 pitch; and the following 1.75 series external gear wires: 2, 2 1/2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 36, 40, 44, 48, 50, 56, 64, 72, and 80 pitch.	2.00

inside the case, and the case should be bound shut as the clasps frequently open or break during shipment. Small gages suitably wrapped may be fastened in place in a strong rigid container so that no movement is possible. Plug and ring gages should ordinarily not be shipped mated. In the case of large-sized threaded plugs and rings, however, mating is permissible as a means of protecting the plug threads. In such cases a grease must be used that will prevent electrolytic corrosion between the mating gages.

§ 202.501 Gage blocks and end standards of length.

Item	Description	Fee
202.501a	Gage blocks—determination of length to ± 0.00004 " and excessive errors in flatness and parallelism, for sizes from 0.100" to and including 1.000" in lots of 10 or more, each. (Actual cost of calibration will be charged for smaller lots.)	\$2.75
202.501b	Gage blocks—determination of length to ± 0.00003 ", and ± 0.00002 " respectively for blocks from 1" to 2", 2" to 3", and 3" to 6" in length and excessive errors in flatness and parallelism, in lots of 2 or more, each. (Actual cost of calibration will be charged for smaller lots.)	10.00
202.501c	Measurements as described under schedules (a) and (b) for usual S1 block set, per set.	240.00
202.501d	Gage blocks—determination of length to ± 0.00002 " and excessive errors in flatness and parallelism, for sizes from 0.100" to and including 1.000" in lots of 10 or more, each. (Actual cost of calibration will be charged for smaller lots.)	4.50
202.501e	Gage blocks—determination of length to ± 0.00002 ", ± 0.00003 ", and ± 0.00004 " respectively for blocks from 1" to 2", 2" to 3", and 3" to 6" in length and excessive errors in flatness and parallelism, in lots of 2 or more, each.	13.00
202.501f	Measurements as described under schedules (a) and (b) for usual S1 block set, per set.	240.00
202.501g	Gage blocks—determination of length to ± 0.00003 " and excessive errors in flatness and parallelism, for sizes greater than 1" but not exceeding 8", each.	1.50
202.501h	Gage blocks—determination of length to ± 0.00003 " per inch of length and excessive errors in flatness and parallelism, for sizes greater than 8" but not exceeding 20", each.	15.00
202.501i	Measurements described under schedules (f) and (g) for set of 8 blocks consisting of one block each of the following lengths: 5, 6, 7, 8, 10, 12, 16 and 20", per set.	25.00
202.501j	End standards with spherical or pointed ends, or flat ends with area of contact less than 1/4 square inch.	150.00
202.501k	End standards—determination of length to ± 0.00004 " for lengths up to and including 8", 8" up to and including 20", each.	12.00
202.501l	End standards—determination of length to ± 0.00003 " per inch of length for lengths over 8" up to and including 20", each.	15.00
202.501m	End standards—determination of length to ± 0.00003 " per inch of length for lengths over 20" up to and including 40", each.	24.00
202.501n	End standards—determination of length to ± 0.00003 " per inch of length for lengths over 40" up to and including 72", each.	52.00
202.501o	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.502 Plain cylindrical plug and ring gages.

Item	Description	Fee
202.502a	Plain cylindrical plug gages—determination of diameter, taper, and roundness to ± 0.00003 " for sizes up to and including 6", each.	\$12.00
202.502b	Plain cylindrical plug gages—determination of diameter, taper, and roundness to ± 0.00001 " for sizes up to and including 2", each.	15.00
202.502c	Plain cylindrical plug gages—determination of diameter, taper, and roundness to ± 0.00003 " for sizes 1/4" up to and including 6", each.	15.00
202.502d	Plain cylindrical plug gages—determination of diameter, taper, and roundness to ± 0.00001 " for sizes 1/4" up to and including 2", each.	30.00
202.502e	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

Item	Description	Fee
202.504d	Penetration needles—test for compliance with ASTM specification D5-52 without reporting actual dimensions, each.....	\$1.50
	NOTE: To obtain test at this fee, the needles or individual containers must be numbered and the manufacturer furnish a blank certificate in a form acceptable to this Bureau.	
202.504e	Penetration needles—determination of diameter of body and point, length of needle and angle of point, with actual dimensions reported, each.....	3.00
202.504f	Polariscope tubes—determination of the average length of polariscope observation tube and marking with NBS serial number if length is within ± 0.03 mm of nominal length for 100 and 200 mm tubes and ± 0.04 mm for 400 mm tubes, each.....	12.00
202.504z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved: November 15, 1956.

SINCLAIR WEEKS,
Secretary of Commerce.

[P. R. Doc. 56-9277; Filed, Nov. 9, 1956; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

CERTAIN EMPLOYEE STOCK OPTIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any such data, views, or arguments should be confined to the attached proposed regulations and should not deal with the other regulations proposed to be prescribed under section 421 of the Internal Revenue Code of 1954, and final action on the other proposed regulations under section 421 will not be postponed pending final action on the attached proposed regulations. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby prescribed:

§ 1.421-6 Options to which section 421 does not apply—(a) Scope of section. If an employer or other person grants

to an employee or other person for any reason connected with the employment of such employee an option to purchase stock of the employer or other property, and if section 421 is not applicable to the transfer of the property pursuant to an exercise of such option, then this section shall apply. This section will apply, for example, when an option is not a restricted stock option at the time it is granted (see section 421 (d) (1) and § 1.421-2), or when an option is modified so that it no longer qualifies as a restricted stock option (see section 421 (e) and § 1.421-4), or when there is a disqualifying disposition of stock acquired by the exercise of a restricted stock option so that section 421 does not apply. When an option is granted for any reason connected with the employment of the employee, this section applies, if section 421 does not apply, irrespective of whether the option is granted by the employer, by a parent or subsidiary of the employer, by a stockholder of any of such corporations, or by any other person, and irrespective of whether the option is granted to the employee, to a member of his family, or to any other person, and irrespective of whether the option is to purchase the stock of the employer, the stock of a parent or subsidiary of the employer, the stock of any other corporation, or to purchase any other property.

(b) Time and amount of compensation. If there is granted an option to which this section applies, the employee in connection with whose employment the option is granted is considered to realize compensation at the time and in the amount determined in accordance with the following rules of this paragraph:

(1) If the option is exercised by the person to whom it was granted, the employee realizes compensation at the time the property is transferred pursuant to an exercise of the option, and the amount of such compensation is the

difference between the amount paid for the property and the fair market value of the property at the time of such transfer. However, if the person to whom the property is transferred does not acquire full ownership of the property at the time of such transfer (that is, the property is transferred subject to restrictions which substantially affect its value), the employee realizes the compensation at the time such person does acquire full ownership of the property (that is, at the time that such restrictions lapse), and the amount of such compensation is the difference between the amount paid for the property and the fair market value of the property at the time such person acquires full ownership.

(2) If the option is not exercised by the person to whom it was granted, but is transferred in an arm's length transaction, the employee realizes compensation in the amount of the gain resulting from such transfer of the option, and at the time that such gain is includible in gross income.

(3) If the option is not exercised by the person to whom it was granted but is transferred in a transaction which is not at arm's length, the employee realizes compensation at the time of such transfer and in the amount determined under subparagraph (2) of this paragraph, and realizes additional compensation at the time the property is transferred pursuant to an exercise of the option and in the amount determined under subparagraph (1) of this paragraph, except that the amount of compensation determined under subparagraph (1) of this paragraph shall be reduced by any amount previously includible in gross income as compensation under subparagraph (2) of this paragraph. For example, if in 1956 an employee is granted an option to buy a share of stock for \$50 at a time when the stock has a fair market value of \$100, and later in 1956 the employee transfers the option to his wife for \$10, the employee realizes compensation of \$10 in 1956 under subparagraph (2) of this paragraph. If in 1957 the wife exercises the option at a time when the stock has a fair market value of \$120, the employee realizes additional compensation in 1957 in the amount of \$60 (the \$70 bargain spread less the \$10 taxed as compensation in 1956).

(4) If there is granted an option to which this section applies, and the employee dies before realizing the compensation in accordance with the rules of subparagraph (1), (2), or (3) of this paragraph, the option shall be considered a right to receive income in respect of a decedent to which the rules of this section and section 691 apply. This subparagraph is applicable when an option is granted to an employee and he dies before transferring or exercising the option, or when an option is granted to the employee and he dies after the transfer of the option in a transaction which is not at arm's length but before the option is exercised, or when an option is granted to another person and the employee dies before realizing all of the compensation which would result from any transfer or exercise of the option. Accordingly, in any such case, the estate

of the employee or the person who acquires the option from the employee realizes income having the character of compensation at the time and in the amount determined under subparagraph (1) of this paragraph, but if the option is transferred, the rules of section 691 provide that the amount received for such transfer or the fair market value of the property transferred at the time of transfer, whichever is greater, is considered as income in respect of the decedent realized at the time of such transfer. Section 1014 (c) provides that section 1014 (a), relating to the basis in certain cases for property acquired from a decedent, does not apply to a right to receive income in respect of a decedent; hence, section 1014 (a) does not apply to an option to which this section applies. If an option to which this section applies was granted or transferred to a person other than the employee and such other person dies before the employee realizes compensation in accordance with the rules of subparagraph (1), (2), or (3) of this paragraph, the transfer which results by reason of the death of such person is a transfer in a transaction which is not at arm's length, so that the rules of subparagraph (3) of this paragraph, and not the rules of this subparagraph, are applicable.

(5) If an option to which this section applies is exercised in part and transferred in part, the rules of this paragraph shall be applied as if there were two options—one exercised and one transferred.

(6) Notwithstanding the other provisions of this paragraph, if this section is applicable because of a disqualifying disposition of stock acquired by the exercise of a restricted stock option, the taxable year of the employee for which he is required to include in his gross income the compensation resulting from such option is determined under section 421 (f) and § 1.421-5 (e).

(c) *Basis.* (1) If an option to which this section applies is exercised by the person to whom it was granted, such person's basis for the property so acquired shall be increased by any amount that is includible in the gross income of the employee under paragraph (b) of this section. If such person transfers such property to a person whose basis is the same as the transferor's basis, such transferee's basis shall also reflect the adjustment made by this paragraph. However, if such property is transferred by either of such persons at death so that its basis is determined under section 1014, the basis so determined shall not be increased by reason of this paragraph.

(2) If an option to which this section applies is transferred in a transaction which is not at arm's length, the transferee who exercises the option shall increase his basis for the property so acquired by any amount that is includible in the gross income of the employee at the time such transferee acquires such property.

(3) If an option to which this section applies is transferred in a transaction which is at arm's length, the basis of the property acquired by an exercise of the option shall not be increased by reason of any amount that is includible in the

gross income of the employee under this section.

(d) *Deductions.* If the employer grants an option to which this section applies, the employer of the employee in connection with whose employment the option is granted is considered to have paid compensation to such employee at the same time and in the same amount as such employee is considered under paragraph (b) of this section to have realized compensation. The deductibility of the compensation considered so paid is determined under section 162, except that if this section is applicable because of a disqualifying disposition of stock acquired by the exercise of a restricted stock option, the employer's taxable year for which such compensation is deductible is determined under section 421 (f) and § 1.421-5 (e).

[F. R. Doc. 56-6279; Filed, Nov. 9, 1956; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 231, 235]

ARRIVAL AND DEPARTURE MANIFESTS AND LISTS, SUPPORTING DOCUMENTS; INSPECTION OF ALIENS APPLYING FOR ADMISSION

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance of the following rules relating to manifesting passengers arriving and departing by vessel or aircraft from the United States. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 630, 119 D Street NE, Washington 25, D. C., written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

1. Part 231 is amended to read as follows:

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

Sec.

- 231.1 Arrival manifests and lists.
231.2 Departure lists.

AUTHORITY: §§ 231.1 and 231.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 212, 231, 238, 239, 66 Stat. 167, 182, 195, 202, 203; 8 U. S. C. 1101, 1182, 1221, 1228, 1229.

§ 231.1 Arrival manifests and lists—

(a) *Presentation.* The master or agent of every vessel or aircraft arriving in the United States shall present to the immigration officer at the port of first arrival a manifest of all passengers on board on Form I-418 in accordance with the instructions contained thereon, except that (1) a manifest shall not be required for a vessel or aircraft arriving in the continental United States or

Alaska directly from Canada or in the continental United States directly from Mexico; (2) in lieu of manifest on Form I-418, the master or agent of a vessel or aircraft arriving in the United States without touching at a foreign port on a voyage or flight originating in Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall submit a list containing the surname, given name, and middle initial of each passenger on board; and (3) in lieu of manifest on Form I-418 the manifest of arriving passengers aboard an aircraft may be submitted on the International Civil Aviation Organization manifest, or whenever the number of such passengers does not exceed the number that can be listed on Customs Form 7507, they may be listed on the Customs form. To facilitate inspection, an advance copy of the required list or manifest may be delivered to the immigration officer at the first port of arrival prior to the vessel's or aircraft's arrival. However, there shall be delivered to the immigration officer at the first port of arrival a complete list containing any changes or corrections which differ from the advance copy. If the inspection of all passengers at the first port of arrival is impracticable, the inspection of passengers destined to subsequent ports of arrival may be deferred in the discretion of the examining immigration officer. The lists of those passengers not inspected shall be returned to the master for presentation at subsequent ports of arrival. The procedure followed at the first port of arrival shall be followed at any subsequent port of arrival.

(b) *Additional documents.* When a manifest is required to be presented, the master or agent of the vessel or aircraft shall prepare as a part thereof a completely executed set of Forms I-94 for each alien passenger, except an immigrant. The set of Forms I-94 shall be delivered to each alien for presentation to the examining immigration officer at the port of entry. The notation "WOV" shall be placed on the Form I-94 in the space reserved for "V No. on visa" in the case of each alien who is to pass through the United States under the provisions of section 238 (d) of the Act. When a manifest is not required or a nonimmigrant alien is applying other than as a passenger on board a vessel or aircraft, a set of Forms I-94 shall be prepared by the examining immigration officer for each nonimmigrant except (1) a Canadian citizen or a British subject who has his residence in Canada or Bermuda, is admitted to the United States from contiguous territory or adjacent islands under a waiver of the non-immigrant visa requirement, unless the facts of the particular case are such that a record on Form I-94 is deemed advisable; (2) an alien applying for admission who presents a nonimmigrant alien's border crossing identification card; (3) a member of the armed forces of the United States or of any country allied with the United States, traveling under orders, who is admitted to the United States under the auspices of, and under advance arrangements made with, the Department of Defense, provided a nominal roll or list of such aliens is furnished

to, or obtained by, the examining immigration officer; and (4) an alien American Indian born in Canada who is within the scope of section 239 of the act, and who is admitted temporarily, unless it appears that a record of his admission will be required at a later date.

§ 231.2 Departure lists—(a) Presentation. The master or agent of every vessel or aircraft departing from the United States shall present to the immigration officer at the port from which the vessel or aircraft will proceed directly to a foreign port or place a list on Form I-418, in accordance with the instructions contained on the reverse thereof, of all passengers aboard other than those immediately destined to Canada or Mexico from the continental United States or destined to Canada from Alaska, except that in lieu of Form I-418 the commanding officer of an aircraft may submit such list on the International Civil Aviation Organization manifest, or whenever the number of such passengers does not exceed the number that can be listed on Customs Form 7507, they may be listed on the Customs form. Such departure lists shall be presented prior to the departure of the vessel or aircraft, except that vessels or aircraft making regular trips to and from the United States in accordance with a published schedule may defer the presentation of such forms and attachments for a period not in excess of thirty days.

(b) **Additional documents.** When a manifest is required to be presented, the master or agent shall attach to such manifest a fully executed Form I-94 for each alien passenger aboard, except an alien permanent resident of the United States, preferably the copy of such form given the alien at the time of his last arrival in the United States. When a manifest is not required or a nonimmigrant alien is departing other than as a passenger on board a vessel or aircraft, the alien shall surrender his Form I-94 to a Canadian immigration officer or United States immigration officer.

2. Part 235 is amended to read as follows:

**PART 235—INSPECTION OF ALIENS
APPLYING FOR ADMISSION**

- Sec.
235.1 General qualifications.
235.2 Examination postponed.
235.3 Detention of aliens.
235.4 Notations on documents.
235.5 Pre-inspection in certain parts of the United States.
235.6 Notice of referral to special inquiry officer.
235.7 Referral of certain cases to district director.
235.8 Temporary exclusion.

AUTHORITY: §§ 235.1 to 235.8 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 212, 213, 221, 234, 235, 236, 237, 238, 242, 66 Stat. 169, 182, 183, 191, 198, 200, 201, 202, 208; 8 U. S. C. 1101, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252.

§ 235.1 General qualifications. The following general qualifications and requirements shall be met by an alien seeking to enter the United States regardless of whether he seeks to enter for permanent, indefinite, or temporary

stay, and regardless of the purpose for which he seeks to enter: he shall apply in person at a place designated as a port of entry for aliens at a time when the immigration office at the port is open for inspection; he shall make his application in person to an immigration officer and shall present whatever documents are required; and he shall establish to the satisfaction of the immigration officer that he is not subject to exclusion under the immigration laws, Executive orders, or Presidential proclamations and is entitled under all of the applicable provisions of the immigration laws and this chapter to enter the United States.

§ 235.2 Examination postponed. Whenever an alien on arrival is found or believed to be suffering from a disability which renders it impractical to proceed with the examination under the Act, the examination of such alien, members of his family concerning whose admissibility it is necessary to have such alien testify, and any accompanying aliens whose protection or guardianship will be required should such alien be found inadmissible shall be deferred for such time and under such conditions as the district director in whose district the port is located imposes.

§ 235.3 Detention of aliens. All persons arriving at a port in the United States by vessel or aircraft shall be detained aboard the vessel or at the airport of arrival by the master, commanding officer, purser, person in charge, agent, owner, or consignee of such vessel or aircraft until admitted or otherwise permitted to land by an officer of the Service. Notice or order to so detain shall not be required.

§ 235.4 Notations on documents. The admitting examining officer shall by means of a stamp record in each passport required to be presented the word "Admitted" and the date and place of admission and shall record the same information on any immigrant visa, re-entry permit, or Form I-94 presented by or prepared for an arriving admitted alien. One copy of the Form I-94, so endorsed, shall be returned to the admitted alien by whom it was presented or for whom it was prepared for his retention while in the United States and for surrender at the time of his departure from the United States, except that the copy of the I-94 shall be delivered to a representative of the carrier which brought him in the case of each alien who is authorized direct transit through the United States under section 233 (d) of the act.

§ 235.5 Pre-inspection in certain parts of the United States. In the case of any aircraft proceeding from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States destined directly and without touching at a foreign port or place to any other of such places or to the continental United States, the examination required by the Act of the passengers and crew may be made prior to the departure of the aircraft, and in such event, final determination of admissibility shall be made immediately prior to such de-

parture. The examination shall be conducted in accordance with sections 234, 235, 236, and 237 of the Immigration and Nationality Act and this part and Parts 236 and 237 of this chapter, except that if it appears to the examining immigration officer that any person in the United States being examined under this section is prima facie deportable from the United States, further action with respect to his examination shall be deferred and further proceedings conducted as provided in section 242 of the Immigration and Nationality Act and Part 242 of this chapter. When the forgoing inspection procedure is applied to any aircraft, persons examined and found admissible shall be placed aboard the aircraft, or kept at the airport separate and apart from the general public until they are permitted to board the aircraft. No other person shall be permitted to depart on such aircraft until and unless he is found to be admissible as provided in this section.

§ 235.6 Notice of referral to special inquiry officer. If, in accordance with the provisions of section 235 (b) of the act, the examining immigration officer detains an alien for further inquiry before a special inquiry officer, he shall immediately sign and deliver to the alien a Notice To Alien Detained For Hearing By Special Inquiry Officer (Form I-122). If the alien is unable to read or understand the notice, it shall be read and explained to him by an employee of the Service, through an interpreter, if necessary, prior to such further inquiry.

§ 235.7 Referral of certain cases to district director. If the examining officer has reason to believe that the cause of an alien's excludability can readily be removed by posting of a bond in accordance with the provisions of section 213 of the act; by the exercise of section 212 (d) (3) of the act; or by the exercise of section 212 (c) of the act, he may in lieu of detaining the alien for hearing in accordance with section 235 (b) and section 236 of the act refer the alien's case to the district director within whose district the port is located for consideration of such action and defer further examination pending the decision of the district director. Refusal of a district director to authorize admission under section 213 or to grant application for the benefits of section 212 (d) (3) or section 212 (c) of the act shall be without prejudice to the renewal of such application or the authorizing of such admission by the special inquiry officer without additional fee.

§ 235.8 Temporary exclusion—(a) Report. Any immigration officer who temporarily excludes an alien under the provisions of section 235 (c) of the act shall report such action promptly to the district director having administrative jurisdiction over the port at which such alien arrived. If the subject of the report is an alien who seeks to enter the United States other than under section 101 (a) (15) (D) of the act, the report shall be forwarded by the district director to the regional commissioner and further action shall be taken thereon as provided in paragraph (b) of this section.

(b) *Action by regional commissioner.* If the regional commissioner is satisfied that the alien is inadmissible to the United States under paragraph (27), (28), or (29) of section 212 (a) of the act and if the regional commissioner, in the exercise of his discretion, concludes that such inadmissibility is based on information of a confidential nature the disclosure of which would be prejudicial to the public interest, safety, or security, he may deny any hearing or further hearing by a special inquiry officer and order such alien excluded and deported, or enter such other order in the case as he deems appropriate. In any other case the regional commissioner shall direct that the alien be given a hearing or further hearing before a special inquiry officer.

(c) *Finality of decision.* The decision of the regional commissioner provided for in paragraph (b) of this section shall be final and no appeal may be taken therefrom. The decision of the regional commissioner shall be in writing, signed by him and, unless it contains confidential matter, a copy shall be served on the alien. If the decision contains confidential matter, a separate order showing only the ultimate disposition of the case shall be signed by the regional commissioner and served on the alien.

(d) *Hearing by special inquiry officer.* If the regional commissioner directs that an alien temporarily excluded be given a hearing or further hearing before a special inquiry officer, such hearing and all further proceedings in the case shall be conducted in accordance with the provisions of section 236 and other applicable sections of the Act to the same extent as though the alien had been referred to a special inquiry officer by the examining immigration officer; except, that if confidential information, not previously considered in the case, is adduced supporting the exclusion of the alien under paragraph (27), (28), or (29) of section 212 (a) of the act, the disclosure of which, in the discretion of the special inquiry officer, may be prejudicial to the public interest, safety, or security, the special inquiry officer may again temporarily exclude the alien under the authority of section 235 (c) of the act and further action shall be taken as provided in this section.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Dated: November 7, 1956.

J. M. SWING,
Commissioner of
Immigration and Naturalization.

[F. R. Doc. 56-9278; Filed, Nov. 9, 1956;
8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN LIMA BEANS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the amendment, as herein pro-

posed, of United States Standards for Grades of Frozen Lima Beans (20 F. R. 5051) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, et seq.; 7 U. S. C. 1621, et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, not later than December 31, 1956.

The proposed amendment is as follows:

Section 52.501 is amended to read as follows:

§ 52.501 *Product description.* "Frozen lima beans" means the frozen product prepared from the clean, sound, succulent seed of the lima bean plant without soaking, by shelling, washing, blanching, and properly draining, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

Dated: November 7, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-9299; Filed, Nov. 9, 1956;
8:51 a. m.]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

BUDGET OF EXPENSES OF THE WALNUT CON- TROL BOARD AND RATES OF ASSESSMENT FOR MARKETING YEAR BEGINNING AUGUST 1, 1956

Notice is hereby given that the Department is considering the issuance of the proposed order set forth herein pursuant to the provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR, 1955 Rev., Part 984), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such order, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Washington 25, D. C., and which are received not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER, except that if said 10th day after publication should fall on a Saturday, Sunday, or holiday, such submission may be received by the Director not later than the close of business on the next following work-day.

The proposed budget of \$99,350, the assessment rate of 0.10 cent per pound of merchantable unshelled walnuts han-

dled or certified for handling, and the assessment rate of 0.13 cent per pound of shelled walnuts handled or declared for handling during the marketing year beginning August 1, 1955, have been unanimously recommended by the Walnut Control Board, the administrative agency under said amended agreement and order.

The proposed order is as follows:

§ 984.308 *Budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1956—(a) Budget of expenses.* The budget of expenses for said marketing year shall be in the total amount of \$99,350, such amount being reasonable and likely to be incurred for board maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the amended agreement and order, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment payable by each handler to the Walnut Control Board on demand, shall be 0.10 cent per pound of merchantable unshelled walnuts handled or certified for handling and 0.13 cent per pound of shelled walnuts handled or declared for handling by him during said marketing year.

Dated: November 6, 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-9274; Filed, Nov. 9, 1956;
8:47 a. m.]

FEDERAL HOME LOAN BANK BOARD

[24 CFR Part 146]

[No. 10151]

MERGER, DISSOLUTION, AND REORGANIZATION

CONVERSION, MERGER, OR REORGANIZATION OF FEDERAL SAVINGS AND LOAN ASSOCIA- TIONS

NOVEMBER 7, 1956.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), it is hereby proposed that, pursuant to section 5, 48 Stat. 132, as amended (12 U. S. C. 1464), Part 146 of the rules and regulations for the Federal Savings and Loan System (24 CFR Part 146) be amended by an amendment the substance of which is as follows:

Part 146 of the rules and regulations for the Federal Savings and Loan System is hereby amended by amending the heading of said part to read "Merger, Dissolution, Reorganization, and Conversion" and by adding to said part a new § 146.5 and to read as follows:

§ 146.5 *Conversion from Federal to State charter under last paragraph of subsection (i) of section 5 of the Home Owners' Loan Act of 1933.* The following minimum requirements are hereby prescribed for approvals pursuant to the

last paragraph of subsection (i) of section 5 of the Home Owners' Loan Act of 1933, as amended:

(a) The conversion shall be effected in accordance with a plan approved by the Board.

(b) The plan shall be submitted to the Board prior to the giving of notice as hereinafter provided.

(c) The association shall give formal notice of a special meeting called to vote on the plan, which notice shall set forth the terms of the plan, the rights of the members, and such other matters as the Board may require.

(d) The plan shall be approved by a vote of not less than two-thirds in withdrawal value of the outstanding shares of the association and not less than two-thirds in number of the vote cast at the meeting aforesaid, and by the Federal Home Loan Bank Board.

(e) The entire amount of guaranty or permanent stock or other similar stock, if any, shall be issued, without payment, pro rata to all shareholders of record at such date as the Board shall fix: *Provided*, That scrip for fractional shares shall be issued to such extent and in such manner as the Board may require, with

such provision for redemption, liquidation, or other disposition of such scrip as the Board may require: *Provided further*, That if the Board determines that it is not feasible to issue the entire amount of such stock as hereinbefore provided, all or such part thereof as may be specified in the plan may be issued otherwise than as hereinbefore required, provided the issuance thereof is in accordance with provisions of the plan. The amount of such stock shall be as required by the Board and shall be at least equal to the minimum amount required by the laws of the state. In the event that guaranty or permanent stock or other similar stock is provided for in the plan, the plan shall contain provisions which, in the judgment of the Board, are adequate to assure that each shareholder of record at said date will be entitled to receive, in the form of (1) a withdrawable account or accounts of the converted association, (2) such stock or scrip, or (3) cash, or such combination of all or any thereof as may be provided for in the plan the full equivalent of his interest in the converting association.

(f) The plan shall include appropriate provisions to prevent reduction of the

Federal insurance reserve as a result of action under the plan.

Resolved further, that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than December 11, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F. R. Doc. 56-9290; Filed, Nov. 9, 1956;
8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

[Region Five, Order 2, Amdt. 3]

NATIONAL PARK SERVICE SUPERINTENDENTS

DELEGATION OF AUTHORITY WITH RESPECT TO OVERTIME

1. The following new paragraph is added to section 1:

(h) Approval of regularly scheduled overtime in excess of 30 days and not more than 90 days.

(National Park Service Order No. 14; 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2)

[SEAL] GEORGE A. PALMER,
Acting Regional Director.

[F. R. Doc. 56-9265; Filed, Nov. 9, 1956;
8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH DAKOTA AND WYOMING

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on July 12, 1956, that a major disaster occasioned by drought existed in the State of South Dakota; and the President determined on October 30, 1956, that a major disaster occasioned by drought existed in the State of Wyoming.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F.R. 4609; 19 F.R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38,

81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on October 31, 1956, to be affected by the above-mentioned major disasters:

SOUTH DAKOTA

Aurora.	Hutchinson.
Brule.	Jackson.
Charles Mix.	Jones.
Custer.	McCook.
Davison.	Meade.
Dewey-Armstrong.	Pennington.
Gregory.	Perkins.
Haakon.	Stanley.
Hanson.	Tripp.
Harding.	Ziebach.

WYOMING

Albany.	Platte.
Carbon.	Sweetwater.
Fremont.	Washakie.
Hot Springs.	

That part of Lincoln County lying east of Commissary Ridge, south to Frontier and east of Highway 189, south to county line.

That part of Uinta County lying east of the point where Highway 189 intersects the county line, southeast to Carter, then Lyman and following Cottonwood Creek to the State line.

That part of Laramie County lying north of the State Highway to Federal and west of Highway 87.

That part of Converse County lying south of Highway 87.

That part of Natrona County lying south of Highway 26 to Casper and south of the county road from Mills up Poison Spider to the county line.

Done at Washington, D. C., this 7th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-9301; Filed, Nov. 9, 1956;
8:52 a. m.]

LOUISIANA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following parishes in the State of Louisiana a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Louisiana: Jefferson, Plaquemine, St. Bernard.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named parishes after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 7th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-9302; Filed, Nov. 9, 1956;
8:52 a. m.]

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

DELEGATION OF AUTHORITY WITH RESPECT TO REAL PROPERTY OPTIONS

The following is the text of Order No. 56227, dated November 1, 1956, authorizing the Assistant Postmaster General.

Bureau of Facilities, to redelegate authority to accept and assign options relating to real property:

Pursuant to section 1 (b) of Reorganization Plan No. 3 of 1949, authority is hereby delegated to the Assistant Postmaster General, Bureau of Facilities, to redelegate all or part of the authority vested in him to accept and assign options relating to real property to such officers or employees of the departmental or Postal Field Service as he may designate.

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 1332-15, 369)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 56-9271; Filed, Nov. 9, 1956;
8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

INTERSTATE WATERS OF THE CORNEY DRAINAGE SYSTEM; (ARKANSAS-LOUISIANA)

PUBLIC HEARING CONCERNING POLLUTION

The Surgeon General of the Public Health Service having found that the persons listed in the appendix below, operating the oil well leases therein indicated, are discharging matter contributing to the pollution of interstate waters of the Corney Drainage System, which originates in the State of Arkansas and endangers the welfare of persons in the State of Louisiana, and

The actions by the Surgeon General with respect to such pollution prescribed under paragraph (2) of section 2 (d) of the Water Pollution Control Act of June 30, 1948 (sec. 2, 62 Stat. 1155, 33 U. S. C. 466a), having been completed prior to July 9, 1956, and

Such persons after second notification of such pollution by the Surgeon General having failed to initiate action to abate the pollution and

It appearing to me that a public hearing will contribute to the abatement of such pollution:

Now therefore, pursuant to section 2 (d) (3) of the Water Pollution Control Act of June 30, 1948 (62 Stat. 1155, 33 U. S. C. 466a), as amended by P. L. 660, 84th Congress, 2d Session (sec. 5, 70 Stat. 507) I hereby call a public hearing to be held in or near one or more of the places where the discharge or discharges contributing to the aforesaid pollution originate and before a hearing board, the members of which will be appointed by me, at a time and place to be fixed by the Surgeon General.

On the basis of the evidence presented at such hearing, said board shall make its recommendations to me concerning the measures, if any, which it finds reasonable and equitable to abate such pollution.

Dated: November 6, 1956.

[SEAL] M. B. FOLSOM,
Secretary.

APPENDIX—PERSONS OPERATING ARKANSAS OIL WELL LEASES DISCHARGING MATTER CONTRIBUTING TO THE POLLUTION OF INTERSTATE WATERS OF THE CORNEY DRAINAGE SYSTEM (ARKANSAS-LOUISIANA)

VILLAGE FIELD—COLUMBIA COUNTY ARKANSAS (TOWNSHIP 17, SOUTH, RANGE 19, WEST)

Operator	Lease	Location
McAlester Fuel Co., McAlester Bldg., Magnolia, Ark.	J. G. Alexander Est. B-1.....	SE, SE, Sec. 8.
Williams, Sellars & Ewing, 936 Candler Ave., Shreveport, La.	J. G. Alexander No. 1.....	SW, SE, Sec. 8.
McAlester Fuel Co., McAlester Bldg., Magnolia, Ark.	Haskell A-1.....	SW, SW, Sec. 9.
E. G. Bradham & C. B. Ragsdale, 401 First National Bank Bldg., El Dorado, Ark.	Machen No. 1.....	SW, SE, Sec. 9.
E. G. Bradham, 401 First National Bank Bldg., El Dorado, Ark.	Machen No. 3.....	Do.
Do.....	E. D. Harris No. 1.....	SW, NW, Sec. 10.
D. E. Bradham, 401 First National Bank Bldg., El Dorado, Ark.	E. D. Harris No. 2.....	On section line between NW, SW, Sec. 10 and NE, SE, Sec. 9.
E. G. Bradham, 401 First National Bank Bldg., El Dorado, Ark.	Tissue No. 1.....	NW, SW, Sec. 14.
Do.....	Harris-Gunnels No. 1.....	1320' N, 330' E of SWE NE SW (or on line between SE NW and NE SW, Sec. 14).
E. G. Bradham & C. B. Ragsdale, 401 First National Bank Bldg., El Dorado, Ark.	Booth No. 2.....	SE, NE, Sec. 14.
E. G. Bradham, 401 First National Bank Bldg., El Dorado, Ark.	T. Crumpler No. 1.....	NW, NW, Sec. 15.
E. G. Bradham & C. B. Ragsdale, 401 First National Bank Bldg., El Dorado, Ark.	Threadgill No. 1.....	N $\frac{1}{2}$, SE $\frac{1}{4}$, Sec. 15.
Do.....	Threadgill No. 4.....	NW, SE, Sec. 15.
Do.....	A. A. Gunnels No. 1.....	NE, NW, Sec. 16.
Do.....	J. J. Gunnels No. 1.....	NW, NE, Sec. 16.
E. G. Bradham, 401 National Bank Bldg., El Dorado, Ark.	J. J. Gunnels No. 2.....	SE, NE, Sec. 16.

SPOTVILLE FIELD—COLUMBIA COUNTY ARKANSAS (TOWNSHIP 18 SOUTH, RANGE 18 WEST)

McAlester Fuel Co., McAlester Bldg., Magnolia, Ark.	T. O. Giles Est. A-1.....	NW, NE, Sec. 6.
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ATLANTA FIELD—COLUMBIA COUNTY ARKANSAS (TOWNSHIP 18 SOUTH, RANGE 19 WEST)

E. G. Bradham & C. B. Ragsdale, 401 First National Bank Bldg., El Dorado, Ark.	Longino-Talley 1-X.....	S $\frac{1}{2}$, S $\frac{1}{2}$, SW $\frac{1}{4}$, Sec. 11-18-19.
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[F. R. Doc. 56-9263; Filed, Nov. 9, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3292 et al.]

EASTERN AIR LINES ROUTE CONSOLIDATION CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on December 6, 1956, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 6, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9294; Filed, Nov. 9, 1956;
8:50 a. m.]

[Docket No. 7192 et al.]

QUAD CITIES-TWIN CITIES CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on December 4, 1956, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 6, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9293; Filed, Nov. 9, 1956;
8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11631; FCC 56M-1024]

ROCHESTER BROADCASTING Co.

ORDER RESCHEDULING HEARING

In re application of Victor J. Tedesco and Nicholas Tedesco, d/b as The Rochester Broadcasting Company, Rochester, Minnesota, Docket No. 11631, File No. BP-9991; for construction permit.

To accommodate the Hearing Examiner's schedule, and without objection by counsel for the parties: *It is ordered*, This 5th day of November 1956, that the hearing now scheduled for November 15, 1956, is rescheduled for Wednesday, November 14, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9280; Filed, Nov. 9, 1956;
8:49 a. m.]

[Docket No. 11806; FCC 56M-1027]

INDIAN CITY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Odus L. Echols, Sr. and Odus L. Echols, Jr., d/b as Indian City Broadcasting Company, Anadarko, Oklahoma, Docket No. 11806, File No. BP-10413; for construction permit.

The Hearing Examiner having under consideration a "Request for Continuance" filed by counsel for Indian City Broadcasting Company on November 5, 1956;

It appearing that counsel for the Broadcast Bureau, the only other participant, has no objection to a grant of the relief requested and has consented to the immediate consideration of the pleading;

It is ordered, This 5th day of November 1956, that the "Request for Continuance" is granted; and that 1) the date for the applicant to furnish proposed exhibits is extended from November 5 to November 19, 1956; 2) the start of the evidentiary hearing is continued from November 21 to Thursday, December 6, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.; 3) the date for applicant to advise of its plans, if any, to call any other witnesses is extended from November 9 to November 23, 1956; and 4) the date for the Broadcast Bureau to notify counsel for applicant of its desire to cross-examine applicant's engineer is extended from November 15 to November 29, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 56-9281; Filed, Nov. 9, 1956;
8:49 a. m.]

[Docket Nos. 11818, 11819; FCC 56M-1031]

SEPIA BROADCASTING CO. AND
RADIO PINE BLUFF

ORDER CONTINUING HEARING

In re applications of Mrs. Mary Davis Barland and Mrs. Juanita L. Willson, d/b as Sepia Broadcasting Company, Little Rock, Arkansas, Docket No. 11818, File No. BP-10125; W. L. Kent, tr/as Radio Pine Bluff, Pine Bluff, Arkansas, Docket No. 11819, File No. BP-10526; for construction permits.

It is ordered, This 6th day of November 1956, that, due to the illness of the Examiner assigned to the case, hearing conference, presently scheduled for November 7, 1956, and formal hearing, scheduled for November 15, 1956, are continued indefinitely.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 56-9282; Filed, Nov. 9, 1956;
8:49 a. m.]

[Docket No. 11834; FCC 56M-1030]

SEACO, INC.

ORDER CONTINUING HEARING

In the matter of Seaco, Inc., Orlando, Florida, Docket No. 11834; order to show

cause why the licenses for Special Industrial Radio Stations KIK 385 and KC 7607 should not be revoked, or, in the alternative, why a cease and desist order should not be issued against the licensee of said stations.

The Chief Hearing Examiner having under consideration the motion of the Commission's Safety and Special Radio Services Bureau, filed October 30, 1956, that hearing in the above-entitled proceeding, which is presently scheduled to commence November 19, 1956, be continued to December 10, 1956;

It appearing that good cause is shown in support of the instant pleading and that there is no opposition thereto;

It is ordered, This 6th day of November 1956, that the motion is granted and that hearing in the above-entitled proceeding is continued from November 19 to December 10, 1956; And it is further ordered, That hearing conference in the proceeding, which is scheduled for November 7, 1956, is continued to a date to be specified in a subsequent order.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 56-9283; Filed, Nov. 9, 1956;
8:49 a. m.]

[Docket Nos. 11836, 11837; FCC 56M-1023]

PLAINVIEW RADIO AND STAR OF THE PLAINS
BROADCASTING CO.

NOTICE OF PRE-HEARING CONFERENCE

In re applications of Earl S. Walden, Homer T. Goodwin and Leroy Durham, d/b as Plainview Radio, Plainview, Texas, Docket No. 11836, File No. BP-10200; Troyce H. Harrell & Kermit S. Ashby, d/b as Star of the Plains Broadcasting Company, Slaton, Texas, Docket No. 11837, File No. BP-10499; for construction permits.

Notice is hereby given that, pursuant to §§ 1.813 and 1.841 (c) of the Commission's rules, as amended, a pre-hearing conference will be held on the applications in the above-entitled proceeding at the offices of this Commission, at 10:00 a. m., on Monday, November 26, 1956, for the purpose of considering the following matters:

- (1) Narrowing the issues or the areas of inquiry and proof at the hearing;
- (2) Admissions of fact and of documents which will avoid unnecessary proof;
- (3) Reports and letters relating to surveys or contacts;
- (4) Assumptions regarding the availability of equipment;
- (5) Network programming;
- (6) Assumptions regarding the availability of networks proposed;
- (7) Offers of letters in general;
- (8) The method of handling evidence relating to the past cooperation of existing stations owned and/or operated by the applicants with organizations in the area;
- (9) Proof of contracts, agreements, or understandings reduced to writing;
- (10) Stipulations;
- (11) Need for depositions;

(12) The numbering of exhibits;
(13) The order of offer of proof with relationship to docket number;

(14) The date for the exchange of exhibits between the applicants, as required by § 1.841;

(15) Such other matters as will be conducive to an expeditious conduct of the hearing.

No witnesses will be examined on the date indicated and the record will not be opened.

Dated this 5th day of November 1956, at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 56-9284; Filed, Nov. 9, 1956;
8:49 a. m.]

[Docket No. 11852; FCC 56M-1025]

RICHARD F. LEWIS, JR., INCORPORATED, OF
MOUNT JACKSON, VA. (WSIG)

ORDER SCHEDULING HEARING

In re application of Richard F. Lewis, Jr., Incorporated, of Mount Jackson, Virginia (WSIG), Mount Jackson, Virginia, Docket No. 11852, File No. BP-10510; for construction permit to increase power and to make other changes.

It is ordered, This 5th day of November 1956, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is scheduled to commence on January 16, 1957, in Washington, D. C.

Released: November 6, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 56-9285; Filed, Nov. 9, 1956;
8:49 a. m.]

[FCC 56M-1026]

BAY RADIO, INC., AND MID-AMERICA
BROADCASTERS, INC.

ORDER SCHEDULING HEARING

In the matter of Bay Radio, Inc. (assignor) and Mid-America Broadcasters, Inc. (assignee), Docket No. 11862, File No. BAL-2369; for assignment of license of Station KEAR, San Francisco, California.

It is ordered, This 5th day of November 1956, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 16, 1957, in Washington, D. C.

Released: November 6, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 56-9286; Filed, Nov. 9, 1956;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6157]

DEPARTMENT OF INTERIOR, SOUTHEASTERN
POWER ADMINISTRATION, ALLATOONA
PROJECTNOTICE OF REQUEST FOR APPROVAL OF RATES
AND CHARGES FOR SALE OF POWER BY
SOUTHEASTERN POWER ADMINISTRATION

NOVEMBER 6, 1956.

Notice is hereby given that pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 890), the Secretary of Interior filed with the Federal Power Commission for approval, the following rates and charges proposed by the Southeastern Power Administration, an agency of the Department of Interior, for the sale of electric energy generated at the Allatoona Project in the State of Georgia.

Wholesale Power Rate Schedule
A-A-2:1. *Availability.* To Georgia Power Company.2. *Applicability.* This schedule applies to the sale of all power and energy generated at the Allatoona Project, except that required by the Government for project operation and use pursuant to Section 7 of this schedule.3. *Character of service.* The electric energy sold under this schedule will be three-phase alternating current at a nominal frequency of sixty cycles per second, delivered at the high tension side of the step-up substation at the project site as scheduled by Georgia Power Company.4. *Rate.* The monthly rate for power and energy sold under this schedule shall be the sum of the following:(1) *Capacity charge.* \$32,500 per month when one 36,000 kw unit is available, or \$46,500 per month when two 36,000 kw units are available.(2) *Energy Charges.* 3.5 mills per kwh of on-peak energy not compensated for by exchange energy. 2.0 mills per kwh of off-peak energy. 2.0 mills per kwh equivalent of water wasted.

Georgia Power Company will receive a credit of \$1.00 per kw of Government power taken during the month, as provided in section 7 of this schedule.

Georgia Power Company will also receive a credit of 3.5 mills per kwh in the event that a balance of kwh is due the company as a result of the exchange provided in section 8 of this schedule.

5. *On-peak, energy, off-peak energy, and energy equivalent of water wasted.**On-peak energy.* Energy delivered during a peak period of 100 hours each seven day week as designated by Georgia Power Company.*Off-peak energy.* Energy delivered during each seven day week other than on-peak energy.*Energy equivalent of water wasted.* Energy equivalent of water wasted due to departure by the company from the current rule curves and instructions (prepared by the Company and accepted by Government), which departure is not due to an uncontrollable force as defined in section 11, a regulation established by the Corps of Engineers as to control of stream flow, release of water required

by the Corps of Engineers, or scheduled outages of generating units.

6. *Condenser operation.* Company may schedule operation of the generators at no load as condensers. Company shall pay \$3.50 per hour per unit for energy used in such operation.7. *Government power and energy.* Government will have the right to use up to 2,500,000 kwh per week of Allatoona energy for firm power service to facilities owned by the Federal Government, public bodies and cooperatives. The amount of Government power in kilowatts for any month shall be the maximum rate of delivery of energy to Government over any period of 60 consecutive minutes during the month. Company will receive a credit for Government power taken during the month in accordance with section 4 of this schedule.8. *Exchange energy or energy supplied from Company sources.* In the event that the energy generated at the Allatoona project is insufficient to supply requirements for (1) Government energy or (2) energy to operate the project, Georgia Power Company shall supply such deficiency from its own sources and such energy shall be considered as energy exchanged for peak Allatoona energy supplied to the Company. In accomplishing this exchange, the Government will furnish to the company 1 kwh of peak Allatoona energy for each kwh that the Company supplies to the Government from Company sources during peak periods, and 1 kwh of peak Allatoona energy for each 1.2 kwh that the Company supplies to the Government from Company sources during off-peak periods. In the event that a balance of kwh is due the Company in certain months as a result of such exchange, there shall be a reduction in any payments otherwise due or later becoming due from the Company, at the rate provided in section 4 of this schedule.9. *Delayed payment penalty.* Bills for power and energy delivered each month under the terms of this rate schedule shall be mailed by the Government to the Company on or before the tenth day of the succeeding month and shall be payable on or before the last day of the month in which the bill was presented, herein referred to as the "payment date". There shall be added, as liquidated damages, interest of one-half of one percent ($\frac{1}{2}\%$) to any undisputed amount remaining unpaid on the first day of the month next succeeding the "payment date" and an additional one-half of one percent ($\frac{1}{2}\%$) shall be added on the first day of each succeeding month on the remaining past due and unpaid balance until the account is paid in full.10. *Metering.* Electric energy will be measured at the point of delivery.11. *Uncontrollable forces.* Neither party shall be considered to be in default in respect to any obligation under this contract if prevented from fulfilling such obligation by reason of uncontrollable forces. For the purposes of this contract, the term "uncontrollable forces" means any cause beyond the control of the party affected, including, but not limited to, failure of facilities, flood, backwater caused by flood, earthquake, storm,

lightning, fire, epidemic, war, riot, civil disturbance, labor disturbance, sabotage, and restraint by court or public authority, which by exercise of due diligence and foresight such party could not reasonably have been expected to avoid. Either party rendered unable to fulfill any obligation by reason of uncontrollable forces shall exercise due diligence to remove such inability with all reasonable dispatch.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing, should submit the same in writing on or before November 21, 1956, to the Federal Power Commission, Washington 25, D. C. The proposed rates in their entirety are on file with the Commission and available for inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 56-9268; Filed, Nov. 9, 1956;
8:46 a. m.]INTERSTATE COMMERCE
COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 7, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 32873: *Substituted service, rail-for-motor—Pennsylvania Railroad.* Filed by The Central States Motor Freight Bureau, Inc., Agent, for interested rail and motor carriers. Rates on freight loaded in highway truck trailers and transported on railroad flat cars between Indianapolis, Ind., Chicago and East St. Louis, Ill., on the one hand, and Pittsburgh, Pa., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Central States Motor Freight Bureau, Inc.: tariff I. C. C. 26.

FSA No. 32874: *Urea from Tennessee to Illinois Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on urea having value for fertilizer purposes only, carloads from Memphis and Woodstock, Tenn., to points in Illinois freight association territory.

Grounds for relief: Short-line distance formula, circuitry, and market competition.

Tariff: Supplement 79 to Agent Spaninger's I. C. C. 1366.

FSA No. 32875: *Fertilizer solution from South Point, Ohio, to Tennessee.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fertilizer solution, tank-car load from South Point, Ohio, to Clarksville and Kenwood, Tenn.

Grounds for relief: Circuitous routes. Tariff: Supplement 47 to Agent Spaninger's tariff I. C. C. 1510.

FSA No. 32876: *Trailer-on-flat-car service—Chicago and North Western*

Railway. Filed by The Chicago and North Western Railway Company, for itself and on behalf of The Delaware, Lackawanna and Western Railroad Company. Rates on freight loaded in semi-trailers and transported on railroad flat cars from Milwaukee and Sheboygan, Wis., to Binghamton, Conklin, and Johnson City, N. Y.

Grounds for relief: Motor truck competition.

Tariff: Supplement 11 to Chicago and North Western Railway tariff I. C. C. 11319.

FSA No. 32877: *Substituted service, rail-for-water—Pennsylvania Railroad Company.* Filed by The Middle Atlantic Conference, Agent, for the Pennsylvania Railroad and interested motor carriers. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars between Pittsburgh, Pa., on the one hand, and Kearny, N. J., on the other.

Grounds for relief: Motor truck competition.

Tariff: Middle Atlantic Conference Substituted Freight Service Directory, I. C. C. No. 6.

FSA No. 32878: *Malt liquors from Peoria, Ill., to Memphis, Tenn.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on malt liquors: ale, beer, beer tonic, porter or stout, carloads from Peoria, Ill., to Memphis, Tenn.

Grounds for relief: Rail, motor-truck, and market competition, and circuitry.

Tariff: Supplement 11 to Agent Raasch's tariff I. C. C. No. 850.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-9269; Filed, Nov. 9, 1956;
8:46 a. m.]

[No. MC-C-2051]

CENTRAL STATES MOTOR FREIGHT BUREAU, INC., AND CRAIG TRUCKING, INC.

CIGARS, CIGARETTES, AND TOBACCO; INVESTIGATION CONCERNING RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, Acting as an Appellate Division, held at its office in Washington, D. C., on the 2d day of November A. D. 1956.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of Cigars, Cigarettes or Manufactured Tobacco, from Louisville, Ky. to St. Louis, Mo., as set forth in:

Central States Motor Freight Bureau, Inc., Agent: Supplement No. 25 to MF-I. C. C. No. 824, on page 41 thereof, in item 12120-B, the rates from Louisville, Ky., to St. Louis, Mo.

Craig Trucking, Inc., MF-I. C. C. No. 8; on 13th Revised Page 39, in item No. 90, the rates from Louisville, Ky., to St. Louis, Mo.;

or as same may be amended or reissued;

It appearing that upon consideration of the tariff schedules, there is reason to institute an investigation to determine whether they result in rates and charges,

rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Division 2, Acting as an Appellate Division.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-9270; Filed, Nov. 9, 1956;
8:47 a. m.]

[Ex Parte No. 206]

EASTERN AND WESTERN TERRITORIES INCREASED FREIGHT RATES; 1956

At a general session of the Interstate Commerce Commission, held at its office in Washington D. C., on the 7th day of November A. D. 1956.

It appearing on November 6, 1956, the railroads, parties to the petition of September 27, 1956, as amended, in the above-entitled proceeding filed a motion for authority necessary to increase freight rates and charges in the amount of 7 percent within, from, to, and via eastern and western territories, subject to the provisions, limitations, and exceptions set forth in appendix A of the motion without hearing, on one day's notice, and for the entry of an order modifying all outstanding orders of the Commission to the extent necessary to enable the railroads to make the proposed increased rates and charges effective; and also for the entry of appropriate orders under sections 4 and 6 of the Interstate Commerce Act;

It further appearing that the moving railroads have sent a copy of said motion to each of the regional offices of the Commission and that a copy has been served upon each party to Ex Parte No. 196, and that a copy will be furnished

to any interested party upon request addressed to Mr. Edward A. Kaier, 804 Transportation Building, Washington, D. C.

And it further appearing that in support of this motion the railroads rely on a verified statement (affidavit) of Mr. Graham E. Getty attached to the motion, and the verified statements (affidavits) of 9 witnesses filed with the Commission, pursuant to paragraph 3 (d) of the Commission's order of October 1, 1956. A list of the statements and the names of persons submitting same are set forth in appendix A hereto.

Upon consideration of the motion and good cause appearing therefor: It is ordered:

1. That the said motion be set for hearing at Chicago, Ill., on November 26, 1956, before Division 2. Evidence in support of the said motion will be limited to the verified statements referred to in the preceding paragraph. If cross-examination of any of the persons who prepared such statements is desired, request therefor must be given to the Commission and to the witness or his attorney on or before November 21, 1956.

Evidence, including oral testimony in opposition to the motion, subject to cross-examination, will be received, but will be limited to the issues presented by the motion.

It is further ordered, That oral argument before the entire Commission on the motion will be held in Chicago, Ill., on December 3, 1956.

The precise time and place at which the hearings in Chicago will be held will be announced later.

And it is further ordered, That a copy of this order be served on all parties to this proceeding and that notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

APPENDIX A

Verified statement attached to motion filed November 6, 1956, by Graham E. Getty, Assistant Vice-President of the Association of American Railroads, Transportation Building, Washington 6, D. C.

Verified Statement No. 1, dated October 15, filed by Graham E. Getty.

Verified Statement No. 14, dated October 8, 1956, filed by R. C. Trovillion, Assistant Vice-President, Sales and Service, Missouri-Kansas-Texas Lines.

Verified Statement No. 15, dated October 10, 1956, filed by Fred Carpi, Vice-President, The Pennsylvania Railroad Company.

Verified Statement No. 16, dated October 11, 1956, filed by T. M. Calazza, Assistant Vice-President, The Atchison, Topeka, and Santa Fe Railway Company.

Verified Statement No. 17, dated October 11, 1956, filed by J. W. Phipps, Jr., Vice-President, The Baltimore and Ohio Railroad Company.

Verified Statement No. 18, dated October 10, 1956, filed by J. R. MacAnally, General Freight Traffic Manager, Union Pacific Railroad Company.

Verified Statement No. 19, dated October 12, 1956, filed by Arthur E. Baylis, Vice-President, Freight Sales and Service, The New York Central Railroad Company.

Verified Statement No. 20, dated October 12, 1956, filed by Elden A. Tharp, General Freight Traffic Manager, Chicago, Rock Island and Pacific Railroad Co.

Verified Statement No. 21, dated October 5, 1956, filed by H. W. Von Willer, Vice-President, Traffic, Erie Railroad Company.

A copy of any of the above verified statements will be furnished to any interested party upon request addressed to Mr. Edward A. Kaier, 804 Transportation Building, Washington, D. C.

[F. R. Doc. 56-9291; Filed, Nov. 9, 1956; 8:50 a. m.]

[Ex Parte No. 206]

EASTERN AND WESTERN TERRITORIES

INCREASED FREIGHT RATES; 1956

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 7th day of November A. D. 1956.

Upon consideration of the record in the above-entitled proceeding and of the following petitions for modification of the Commission's order of October 1, 1956, in the above-entitled proceeding:

Petitions of Traffic Managers Conference of Southern California, Inc., dated October 25, 1956; The Beverage Wholesalers of Southern California, dated October 29, 1956; Products Research Company, dated October 30, 1956; The People of the State of California and The Public Utilities Commission of said State, dated October 30, 1956; Arizona Cotton Traders Association, Arizona Compress & Warehouse Company, California Cotton Cooperative Association (Calcot, Ltd.), Calxico Cotton Exchange, Fresno Cotton Exchange, San Joaquin Compress & Warehouse Company, Western Cotton Shippers Association, Western States Compress & Warehouse Association, dated October 30, 1956; Kwikset Locks, Inc., of Anaheim, California, dated October 30, 1956; California Manufacturers Association, dated November 1, 1956; California Retailers Association and Western Traffic Conference, Inc., dated November 1, 1956; Intermountain Transportation Council and Utah Citizens Rate Association, dated November 2, 1956; Essick Manufacturing Company, dated November 2, 1956; and requests of other interested persons, for modification of the Commission's order of October 1, 1956, in the above proceeding; and good cause appearing therefor: *It is ordered, That:*

1. Paragraph 3 (h) of our order of October 1, 1956, be, and it is hereby, modified by postponing the hearing now set for the offices of the Commission at Washington, D. C., beginning at 10:00 o'clock a. m., January 15, 1957, to January 24, 1957, at the same hour and place before Division 2;

2. Paragraph 3 (h) of our order of October 1, 1956, be, and it is hereby, further modified by providing for the purpose of cross-examining persons who have filed verified statements, an additional hearing at Salt Lake City, Utah,

beginning at 10:00 o'clock a. m., February 4, 1957. The place and presiding officer will be announced later.

If cross-examination of such a person is desired by any party at Salt Lake City or Washington, notice thereof must be given to the Commission and to such person or his attorney as promptly as circumstances will permit in time to enable him to reach the hearing.

3. Paragraph 3 (i) of our order of October 1, 1956, be, and it is hereby, modified by postponing the oral argument now set for the offices of the Commission at Washington, D. C., beginning at 10:00 o'clock a. m., January 22, 1957, to February 11, 1957, at the same hour and place, before the entire Commission.

4. Paragraph 3 (j) of our order of October 1, 1956, be, and it is hereby, modified by postponing the time for filing memorandum briefs from January 22, 1957, to February 11, 1957.

It is further ordered, That the said petitions in all other respects be, and they are hereby, denied.

It is further ordered, That except as modified herein, the said order of October 1, 1956, shall remain in full force and effect.

And it is further ordered, That a copy of this order be served on all parties to this proceeding and that notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-9292; Filed, Nov. 9, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3505]

CENTRAL KENTUCKY NATURAL GAS CO.
ET AL.

ORDER APPROVING TRANSFER BY KENTUCKY PUBLIC-UTILITY SUBSIDIARY OF ITS INTERSTATE TRANSMISSION FACILITIES TO NEW COMPANY AS STEP IN SEPARATION OF SYSTEM'S DISTRIBUTION FACILITIES FROM ITS TRANSMISSION FACILITIES

NOVEMBER 6, 1956.

In the matter of Central Kentucky Natural Gas Company, Kentucky Gas Transmission Corporation, The Columbia Gas System, Inc.; File No. 70-3505.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, Central Kentucky Natural Gas Company ("Central Kentucky"), a subsidiary of Columbia, and Kentucky Gas Transmission Corporation ("Transmission"), a newly formed Delaware corporation having no assets or outstanding securities at the present time, have filed an application-declaration and an amendment thereto pursuant to sections 7, 10, 12 (c), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-43, and U-44 there-

under regarding the following proposed transactions:

Columbia and its subsidiaries have evolved a program of corporate realignment and simplification designed, among other things, to minimize the problems of regulating the system's rates, the objective being to realign the system properties in such manner that all production and transmission properties subject to the jurisdiction of the Federal Power Commission will eventually be owned by a single operating company, and the distribution facilities in each State will be owned by a single company subject to the appropriate State commission. The instant filing covers one step in this program.

Central Kentucky is engaged in the purchase, storage, transmission and sale of natural gas at wholesale and retail within the State of Kentucky. The company will retain only those assets and properties used for the retail distribution of natural gas; and will transfer to Transmission its assets and properties used in transmission, storage, and other wholesale operations, together with the reserves, liabilities and obligations applicable thereto, and a sufficient amount of cash (presently estimated at \$300,000) for Transmission's working capital requirements. The fixed assets will be transferred at original cost less applicable depreciation reserves.

In payment for the net assets transferred, Transmission will issue and deliver to Central Kentucky 4,000 shares of its Common Stock, \$25 par value, having a book value of \$8,269,021, and Installment Promissory Notes in aggregate amount of \$8,270,000, as of December 31, 1955. Central Kentucky's earned surplus will be divided with Transmission on the basis of the net value of the assets which each company will have upon consummation of the transfer.

Central Kentucky will deliver to Columbia the Installment Promissory Notes received from Transmission in prepayment of an equal principal amount of Central Kentucky's notes now held by Columbia. The notes of Transmission will have, to the extent practicable, the same terms as the notes of Central Kentucky which are to be prepaid. Central Kentucky will also deliver to Columbia the common stock received from Transmission, and in consideration therefor Columbia will surrender for retirement common shares of Central Kentucky having an equal aggregate book value.

Upon consummation of the sale by Central Kentucky of its transmission properties to Transmission, the latter will become the principal wholesale supplier of natural gas to Central Kentucky, receiving the bulk of its supply from United Fuel Gas Company ("United Fuel"), a wholly owned subsidiary of Columbia which at present is supplying Central Kentucky directly.

The Public Service Commission of Kentucky has authorized the consummation of the proposed transactions in so far as they affect Central Kentucky; and the Federal Power Commission has authorized the proposed acquisition and operation of certificated facilities by Transmission, the proposed abandon-

ment of service through such facilities by Central Kentucky, the proposed abandonment by United Fuel of service to Central Kentucky, the proposed sale and delivery by United Fuel of natural gas to Transmission in lieu of its existing service to Central Kentucky, and the proposed sale of natural gas by Transmission to Central Kentucky.

The fees and expenses to be paid by the several companies in connection with the proposed transactions are stated as follows:

	Columbia	Kentucky Transmission	Central Kentucky
Cravath, Swaine & Moore, legal, c.	\$200	\$9,300	\$2,500
Hazeburg and Cox, legal		000	150
System service com- pany (at cost)		4,000	1,000
Federal original issue tax on stock		110	
Federal stock transfer tax			50
Federal conveyance tax			14,159
Recording fees		200	
Miscellaneous		2,400	600
Total	200	16,610	18,459

Due notice having been given of the filing of said application-declaration (Holding Company Act Release No. 13251), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration as amended be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-9272; Filed, Nov. 9, 1956;
8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18334, Amdt.]

ELISE HEINZ

In re: Estate of Elise Heinz.
File No. D-28-13032.

Vesting Order No. 18334, dated August 21, 1951, is hereby amended as follows:

By deleting subparagraph 2 thereof and substituting in lieu thereof the following:

2. That Magdalena Heinz, nee Thein, if living, and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Magdalena Heinz, nee Thein,

if deceased, and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Peter Heinz, deceased, of Barbara Siebert, deceased, of Jean Bechtold, deceased, including but not limited to Hans Heinrich Bechtoldt and Ursula Juliane Paula Bechtoldt, and of George Mueller, deceased, who there is reasonable cause to believe are and on or since December 11, 1941 and prior to January 1, 1947 were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

And by deleting subparagraph 5 thereof and substituting in lieu thereof, the following:

5. That, to the extent that the persons identified or described in subparagraphs 1 and 2 hereof were not on or since December 11, 1941, and prior to January 1, 1947, within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All other provisions of said Vesting Order No. 18334 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on November 6, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-9287; Filed, Nov. 9, 1956;
8:49 a. m.]

[Vesting Order 18941, Amdt.]

HUGO STINNES JR., ET AL.

In re: Securities owned by Hugo Stinnes Jr. and others.

Vesting Order 18941 dated July 2, 1952, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes and Hilde Fiedler, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany).

2. That Clare Wagenknecht Stinnes, Sr., who on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany).

3. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by one hundred and four Hugo Stinnes Industries, Inc., 7 percent 20 year sinking fund gold debentures, due October 1, 1946, with an aggregate face value of \$95,000, and evidenced by coupons attached to or detached from said debentures and due on or after June 14, 1941, said debentures numbered and in the amounts listed below:

\$500 each

D-447	D-7	D-751	D-837
D-279	D-602	D-517	D-788
D-619	D-640	D-845	D-67
D-334	D-472	D-748	
D-397	D-278	D-808	

\$1,000 each

M-1078	M-10544	M-4620	M-6320
M-3248	M-10545	M-5567	M-8635
M-3099	M-10546	M-334	M-7793
M-8842	M-9152	M-7678	M-7794
M-8843	M-3932	M-8484	M-911
M-8844	M-3266	M-8579	M-1666
M-8845	M-3267	M-9644	M-1667
M-8834	M-3268	M-9691	M-1668
M-3098	M-3269	M-9692	M-1669
M-10228	M-3270	M-9773	M-3094
M-5156	M-4310	M-9773	M-2732
M-2234	M-10521	M-10547	M-4613
M-2235	M-10522	M-1706	M-4615
M-1241	M-5136	M-429	M-4624
M-1242	M-1716	M-935	M-6238
M-10638	M-1875	M-936	M-9136
M-8839	M-3256	M-937	M-9250
M-5790	M-3257	M-2696	M-9251
M-5449	M-1772	M-83	M-9946
M-6893	M-2288	M-4800	M-4483
M-813	M-4323	M-9646	
M-614	M-4614	M-9645	

together with any and all accrual to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said debentures and coupons,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes, Hilde Fiedler and Clare Wagenknecht Stinnes, Sr., the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9288; Filed, Nov. 9, 1956;
8:49 a. m.]

[Vesting Order 19268, Amdt.]

HUGO STINNES, JR., ET AL.

In re: Securities owned by Hugo Stinnes, Jr. and others.

Vesting Order 19268, dated April 13, 1953, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Supp. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes and Hilde Fiedler, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany).

2. That Clare Wagenknecht Stinnes, Sr., who on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany).

3. That the property described as follows: a. Those certain debts or other obligations matured or unmatured, evidenced by one hundred twenty-seven (127) Hugo Stinnes Industries, Inc. 7

percent 20-year Sinking Fund Gold Debentures, with an aggregate face value of \$123,500, and evidenced by coupons attached to or detached from said debentures and due on or after June 14, 1941, said debentures numbered and in the amounts listed below:

\$500 each			
D-61	D-191	D-681	D-805
D-143	D-212	D-753	
\$1,000 each			
M-59	M-2415	M-6328	M-9771
M-60	M-2631	M-6652	M-9797
M-61	M-3536	M-6856	M-8366
M-80	M-3588	M-6886	M-8537
M-151	M-3589	M-6887	M-8887
M-201	M-3630	M-6888	M-9088
M-225	M-4068	M-6889	M-9742
M-301	M-4078	M-6890	M-9767
M-328	M-4095	M-6977	M-9914
M-438	M-4096	M-7346	M-10070
M-447	M-4222	M-7801	M-10132
M-489	M-4223	M-7802	M-10134
M-491	M-4224	M-7803	M-10135
M-498	M-4225	M-7804	M-10136
M-748	M-4480	M-7805	M-10222
M-1087	M-4516	M-7806	M-10438
M-1245	M-4797	M-7807	M-10458
M-1391	M-4890	M-8538	M-10459
M-1459	M-4895	M-8539	M-10603
M-1556	M-5325	M-8644	M-10604
M-1662	M-5326	M-8673	M-10615
M-1663	M-5443	M-8718	M-10666
M-1664	M-5545	M-9155	M-10748
M-1665	M-5546	M-9236	M-10983
M-1707	M-5547	M-9426	M-11042
M-1743	M-5548	M-9740	M-11043
M-1744	M-6206	M-9741	M-11151
M-1900	M-6229	M-9768	M-11196
M-1901	M-6260	M-9769	M-11197
M-1976	M-6261	M-9770	M-11198

together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in and under said debentures and coupons, and

b. Twenty-three (23) coupons due April 1, 1944, detached from Hugo Stinnes Industries, Inc. 7 percent 20 year Sinking Fund debentures numbered M-

1034, 2064, 2853, 2913/15, 3543, 3691, 3729, 4501, 4799, 5445, 8206, 9927, 10061/9, said coupons presently in the custody of J. & W. Seligman & Co., 65 Broadway, New York 6, New York, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes, Hilde Fiedler and Clare Wagenknecht Stinnes, Sr., the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9289; Filed, Nov. 9, 1956;
8:49 a. m.]